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No. 133

## House of Representatives

The House met at 10 a.m.

The Reverend Dr. Harold R. Mayberry, Senior Pastor, First African Methodist Episcopal Church, Oakland, California, offered the following prayer:

God of wisdom, humility, and compassion, we thank You for the marvelous gift of life that You have so wonderfully shared with us. For the ability to reason without being unreasonable, and to learn from one another, for the spirit of cooperation that serves to bless us all, we give You thanks.

We pray, O God, that Your constant presence which provides guidance will be manifest in the spirit of each congressional representative and that Your will and Your strength will shape their decision-making.

We pray, O God, that Your spirit of sensitivity, for the well-being of all of Your people, will be lifted up in this body.

May those who serve in this Chamber never know fear as they seek to do what is morally right as mandated by You. May courage be the order of the day; may Your spirit of peace rule here; and may You always be acknowledged as Lord and Leader we pray.

Amen.

### THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida (Mr. MILLER) come forward and lead the House in the Pledge of Allegiance.

Mr. MILLER of Florida led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Repub-

lic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### WELCOMING THE REVEREND DR. HAROLD R. MAYBERRY

(Ms. LEE asked and was given permission to address the House for 1 minute).

Ms. LEE. Mr. Speaker, let me just say, first of all, how honored we are that Pastor Harold Mayberry has presented and provided with us a very powerful prayer this morning.

Pastor Mayberry is the pastor, as he indicated, of First AME Church in Oakland, California. Pastor Mayberry and his wife, Mary Mayberry, are here with us this weekend as we work to look at the major issues which, of course, the Congressional Black Caucus and all of us deal with each and every day.

First AME Church, let me just say, is a very powerful church, a very committed church in our community. It is a shining light in Oakland and in the East Bay. It provides a vision for our community. It is a church which, under Pastor Mayberry's leadership, insists that our community puts people first in the sense that they focus on educating our young people, housing the homeless, feeding the hungry. It is a congregation that makes religion really real in our community, and that is thanks to Pastor Mayberry and the First AME Church family.

The leadership of this congregation has made many, many changes in our great East Bay and especially in the city of Oakland, California. And for that we are deeply grateful.

We are honored and privileged that Pastor Mayberry and his wife, Mary, are here with us today. Mr. Speaker, I am thankful for the opportunity to share his wisdom and his insight with this great august body.

### APPOINTMENT OF ADDITIONAL CONFEREES ON S. 3, PARTIAL- BIRTH ABORTION BAN ACT OF 2003

The SPEAKER. Pursuant to clause 11 of rule I, the Chair appoints Mr. CHABOT and Ms. LOFGREN as conferees on S. 3.

The Clerk will notify the Senate of the change in conferees.

### ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive 5 one-minute speeches on each side.

### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. PITTS. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

### TRAFFICKING

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the President this week made a courageous move at the U.N. He called on the world to act against trafficking. The U.N. should follow the President's lead and take action.

Human trafficking is one of the worst forms of human violations in the world today. Each year, over 800,000 men, women, and children are trafficked into prostitution or forced labor. It is modern-day slavery. It is absolutely vital that we act to remove these people from slavery and assist in their recovery, but it is also important that police and security forces around the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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world root out the people who profit off of this special evil.

Many of these people are involved in organized crime. There are even reports that suggest profits from trafficking in persons are used to support terrorist activities.

Make no mistake about it, any government that tolerates trafficking, tolerates a form of slavery.

#### THE COST OF REBUILDING IRAQ

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, last fall the President's economic adviser, Larry Lindsey, said the war in Iraq could cause \$100 billion to \$200 billion. Well, Wolfowitz, Rumsfeld, said, "That is absurd. Those are crazy numbers." In fact, Wolfowitz said, "Don't worry, they can pay for their own reconstruction."

Now, the President is asking Congress to borrow \$87 billion in the name of the American people, \$20 billion of that to rebuild the infrastructure of Iraq.

Now, it is nice that we want to build a \$150 million children's hospital in Iraq, but American kids lack basic health care. Where is the money for that?

It is nice that they want to rebuild the Port of Umm Qasr, \$80 million. The President has zeroed out dredging ports in my district.

Billions for the electric grid; not a penny for the faltering electric grid in the United States of America.

\$20 billion invested here would create 1 million U.S. jobs. \$20 billion in Iraq is a drop in the bucket of what it is really going to cost, but it will produce some nice profits for Halliburton.

#### TRIBUTE TO SGT. JASON "TYE" PRATT

(Mr. TERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TERRY. Mr. Speaker, I come to the floor today with great sadness. Two weeks ago in Omaha, a brave, dedicated police officer, Sgt. Jason Pratt, was gunned down by a violent criminal following a routine traffic stop. He died of severe head injuries last Friday. I attended his funeral 2 days ago.

I want to extend my sincere condolences not only to the family and friends of this heroic man, but to the entire community for the loss of such a brave officer. But while I rise today to mourn the death of Officer Jason "Tye" Pratt, I also want to celebrate his life, a life built upon optimism, bravery, compassion and dedication.

Those who were lucky enough to know him will tell you what an honorable husband, father, son, brother, friend, coworker and citizen he was. A 1992 honors student graduate of Burke

High School, dubbed as having the "prettiest smile," he married his wife, Stacy, in 1995 and began his work serving the Omaha community as a rookie police officer in 1996. Upon completing training in 1997, he joined the SWAT unit, the emergency response unit.

Jason and Stacy were the parents of two young daughters, Madison and Jordyn. Officer Pratt bragged about his wife and her work at the Immanuel Medical Center and his daughters constantly at work.

He was known for his tremendous discipline, work ethic and commitment. He balanced an irresistible sense of humor with full-throttled intensity in whatever role he undertook. This is a man who truly loved what he did, and never hesitated to help somebody in need.

Police officers are everyday heroes. They put their lives on the line day in and day out to ensure our safety and protect our community.

For a week, Officer Jason "Tye" Pratt hung on to his life in the hospital, receiving an outpouring of prayers. He is a true hero. Officer Pratt was a hero to his wife, daughters, family and fellow officers, and he will remain a hero to all of us.

#### THE AMERICAN DEBT

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, it has been 868 days since President Bush and the Republican Party embarked upon their economic plan for our country. During this time, the national debt has increased by \$1,163,468,782,425.75.

According to the Web site for the Bureau of Public Debt at the U.S. Department of Treasury, yesterday as of 4:30 p.m. Eastern Daylight Time, the Nation's outstanding debt was \$6,803,794,168,784.52.

The interest we will have to pay on this debt, the debt tax, for fiscal year 2003 through the end of August, amounts to \$304,978,878,641.11.

#### HONORING GOVERNOR HUGH GREGG

(Mr. BRADLEY of New Hampshire asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRADLEY of New Hampshire. Mr. Speaker, I rise today to honor a dedicated public servant who has devoted his life to the State he so loved dearly, former Governor Hugh Gregg.

Governor Gregg passed away yesterday at the age of 85. Governor Gregg wore many hats in his lifetime, war hero, businessman, lawyer, public servant, but he will most be remembered as a devoted husband to his wife, Catherine, a father to his two sons, Cyrus Gregg and U.S. Senator JUDD GREGG, and a grandfather and great-grandfather.

He served as a special agent in the U.S. Army Counterintelligence Corps from 1942 to 1946 in China. He also served as an alderman in his hometown of Nashua, and later became mayor of that city.

Governor Gregg was proud to be a politician and realized that politics was the vehicle to better the lives of New Hampshire's citizens. He perhaps will most be remembered for his passion for the New Hampshire first-in-the-Nation presidential primary. Governor Gregg authored two books on the New Hampshire primary, and his history of the primary is part of the official State record published by the Secretary of State's office.

Not one to sit by idly, Governor Gregg was still a dominant presence in the State, even at the age of 85, most recently serving on the State Ballot Law Commission.

Governor Gregg's legacy will continue to live on in the causes he held so dear to his heart, helping those with disabilities and preserving New Hampshire's unique role in the political process. The State mourns the loss of a great statesman, civic leader and friend, and his efforts to make New Hampshire a better place in which to live has made a lasting impact on all who call New Hampshire home.

Governor Gregg represented the New Hampshire ideals we all cherish: Integrity, strength and honesty. He has raised the bar high for those who want to be public servants. His civility, frankness and fairness will be sorely missed.

□ 1015

#### A LOOK AT U.S. DAILY DEATHS IN IRAQ

(Mr. McDERMOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McDERMOTT. Mr. Speaker, in the next few days, we will hear people say that if you do not support that \$87 billion, you are against the troops and you do not care what is happening to our people in Iraq.

The fact is that since this war started, 304 people have died. Mr. Speaker, 167 have died since the President announced that the mission was accomplished. And now they want us to give them a blank check with \$87 billion. They will not change one single thing. They will not acknowledge anything with the international community; they will not change anything.

Mr. Speaker, Sergeant Lunsford Brown died on September 20. Captain Brian Faunce died on September 18. Sergeant David Freidrich died on September 20. Sergeant Paul Sturino died on September 22. They continue to die, and the President will not tell us how he is going to get us out of this morass, except give me more money or you are unpatriotic.

Members in this House who want to ask questions are not unpatriotic. The

people who make those kinds of charges ought to stand down here and tell people what they did when their chance came.

Some of us served. I was not in Vietnam, but I was in the hospitals dealing with people who came back. Everybody in this body ought to go out to Walter Reed and walk around Unit 56 and look at those amputees and talk to them.

#### SUCCESS STORIES FROM IRAQ

(Mr. BURGESS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURGESS. Mr. Speaker, as part of the Committee on Government Reform that took a recent official visit to Iraq, I witnessed what I thought was the true shock and awe story. I saw the progress of a fledgling free nation, and I came away knowing we have every reason to be optimistic in that country.

My disappointment, Mr. Speaker, is that when watching the evening news on my return home, I could scarcely recognize the situation I had just left. In Iraq, General James Conway of the First Marine Expeditionary Force described our efforts there as a vivid success story, both during the major combat phase and since its conclusion. Perhaps most important, he said that most Iraqis were concerned not that we would stay too long, but that they would leave too soon.

As a doctor, I particularly wanted to assess the Iraqi health care system. I knew the difficulties that this system had suffered under Saddam's rule, but I also knew that we were starting to see the decrepit hospitals begin to improve. Most of these hospitals had no nursing staff left at all.

A member of the public health team of the 385th Civil Affairs Brigade, Lieutenant Michael Keller, told me that in the library at the medical school no text had a copyright date later than 1984. Mr. Speaker, on average, Saddam's government spent 50 cents per person on health care. Since the fall of that regime, that amount has increased to \$45.

#### SUPPORT COMPREHENSIVE MANDATORY SECURITY TRAINING FOR FLIGHT ATTENDANTS

(Mrs. LOWEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise to express my support for comprehensive mandatory security training of the Nation's flight attendants. A bipartisan measure included in the FAA reauthorization bills passed by the House and Senate would have required the TSA to establish clear, consistent security training standards for all flight attendants, regardless of airline affiliation.

The agreement would have ensured flight attendants received self-defense

instruction as well as training to coordinate effectively with Federal air marshals, closing a glaring gap in the Nation's aviation security program.

Unfortunately, this critical provision was stripped, apparently at the behest of a single carrier, from the final conference report. Under the new language, TSA could, but would not be required to, issue guidelines for flight attendant security training programs. In the absence of a statutory requirement, TSA is unlikely to establish the rigorous training program demanded by flight attendants.

Forcing flight attendants with no prior self-defense training to confront well-armed, suicide terrorists is unfair and unwise. Flight attendants are uniquely capable of disrupting a potentially devastating terrorist attack. The attempted hijacking of a Qantas flight in May is a good example. The incident, which left two flight attendants and two passengers with stab wounds, dramatically illustrates the consequences of inadequate security training.

The Department of Homeland Security's recent warning of another suicide hijacking reminds us of the perils of complacency. I was pleased that the Committee on Rules reported out a resolution recommitting the reauthorization bill to conference. As this legislation is rewritten, I urge my colleagues to support restoration of the original flight attendant training language.

#### EXPRESSING DISMAY WITH REMARKS OF PRESIDENTIAL CANDIDATE HOWARD DEAN

(Mr. BURNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BURNS. Mr. Speaker, I rise today to express my dismay with the recent remarks made by Presidential candidate Howard Dean. His remarks related to the U.S. role in the Israeli-Palestinian conflict.

Dr. Dean said that it is "not our place to take sides," in this conflict. He could not be more wrong. We must as Americans support the only democracy in the region that deals with the ongoing battle of terror. I was in Israel just last month, and I saw firsthand the death and destruction of Hamas and the suicide bombers. They continue to inflict this tragedy on the country of Israel.

Edmond Burke said that "all that is necessary for the triumph of evil is for good men to do nothing." Dr. Dean would have us do nothing and allow evil to triumph over our friends and our allies.

His comments are out of touch and uninformed. I call on all of my colleagues in this body from both sides of the aisle to denounce his thoughtless words. Truly good men recognize that what he has said is simply wrong and that he should be reminded that it is always the place of the United States to take the side against terror.

#### GENERAL LEAVE

Mr. YOUNG of Florida. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.J. Res. 69, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Florida?

There was no objection.

#### CONTINUING APPROPRIATIONS, FISCAL YEAR 2004

Mr. YOUNG of Florida. Mr. Speaker, under the previous order of the House, I call up the joint resolution (H.J. Res. 69) making continuing appropriations for the fiscal year 2004, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 69 is as follows:

H.J. RES. 69

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of Government for fiscal year 2004, and for other purposes, namely:

SEC. 101. Such amounts as may be necessary under the authority and conditions provided in the applicable appropriations Act for fiscal year 2003 for continuing projects or activities including the costs of direct loans and loan guarantees (not otherwise specifically provided for in this joint resolution) which were conducted in fiscal year 2003, at a rate for operations not exceeding the current rate, and for which appropriations, funds, or other authority was made available in the following appropriations Acts:

(1) The Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2003.

(2) The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 2003, notwithstanding section 15 of the State Department Basic Authorities Act of 1956, section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(3) The District of Columbia Appropriations Act, 2003.

(4) The Energy and Water Development Appropriations Act, 2003, notwithstanding section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

(5) The Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2003, notwithstanding section 10 of Public Law 91-672 and section 15 of the State Department Basic Authorities Act of 1956.

(6) The Department of the Interior and Related Agencies Appropriations Act, 2003.

(7) The Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2003.

(8) The Military Construction Appropriations Act, 2003.

(9) The Department of Transportation and Related Agencies Appropriations Act, 2003.

(10) The Treasury and General Government Appropriations Act, 2003.

(11) The Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 2003.

SEC. 102. Appropriations made by section 101 shall be available to the extent and in the manner which would be provided by the pertinent appropriations Act.

SEC. 103. The appropriations Acts listed in section 101 shall be deemed to include supplemental appropriation laws enacted during fiscal year 2003.

SEC. 104. No appropriation or funds made available or authority granted pursuant to section 101 shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during fiscal year 2003.

SEC. 105. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any program, project, or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 106. (a) The matter under the heading "Department of Education—Education for the Disadvantaged" in division G of Public Law 108-7 is amended—

(1) by striking "\$4,651,199,000" and inserting "\$6,895,199,000"; and

(2) by striking "\$9,027,301,000" and inserting "\$6,783,301,000".

(b) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 107. Unless otherwise provided for in this joint resolution or in the applicable appropriations Act, appropriations and funds made available and authority granted pursuant to this joint resolution shall be available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) the enactment into law of the applicable appropriations Act by both Houses without any provision for such project or activity, or (c) October 31, 2003, whichever first occurs.

SEC. 108. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 109. Appropriations and funds made available by or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in section 1513 of title 31, United States Code, but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 110. Notwithstanding any other provision of this joint resolution, except section 107, for those programs that had high initial rates of operation or complete distribution of fiscal year 2003 appropriations at the beginning of that fiscal year because of distributions of funding to States, foreign countries, grantees or others, similar distributions of funds for fiscal year 2004 shall not be made and no grants shall be awarded for such programs funded by this resolution that would impinge on final funding prerogatives.

SEC. 111. This joint resolution shall be implemented so that only the most limited funding action of that permitted in the joint resolution shall be taken in order to provide for continuation of projects and activities.

SEC. 112. For entitlements and other mandatory payments whose budget authority was provided in appropriations Acts for fiscal year 2003, and for activities under the Food Stamp Act of 1977, activities shall be continued at the rate to maintain program

levels under current law, under the authority and conditions provided in the applicable appropriations Act for fiscal year 2003, to be continued through the date specified in section 107(c): *Provided*, That notwithstanding section 107, funds shall be available and obligations for mandatory payments due on or about November 1 and December 1, 2003, may continue to be made.

SEC. 113. Section 1316(c) of Public Law 108-11 shall be applied by substituting the date specified in section 107(c) of this joint resolution for "September 30, 2003" each place it appears.

SEC. 114. Activities authorized by section 403(f) of Public Law 103-356, as amended by section 634 of Public Law 107-67, and activities authorized under the heading "Treasury Franchise Fund" in the Treasury Department Appropriations Act, 1997 (Public Law 104-208), as amended by section 120 of the Treasury Department Appropriations Act, 2001 (Public Law 106-554), may continue through the date specified in section 107(c) of this joint resolution.

SEC. 115. Notwithstanding section 235(a)(2) of the Foreign Assistance Act of 1961 (22 U.S.C. 2195(a)(2)), the authority of subsections (a) through (c) of section 234 of such Act, shall remain in effect through the date specified in section 107(c) of this joint resolution.

SEC. 116. Section 503(f) of the Small Business Investment Act of 1958 (15 U.S.C. 697(f)) shall be applied by substituting the date specified in section 107(c) of this joint resolution for "October 1, 2003".

SEC. 117. Section 303(g)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 683(g)(2)) is amended by striking "1.38 percent" in the last sentence and inserting "1.46 percent".

SEC. 118. Collection and use of maintenance fees as authorized by section 4(i) and 4(k) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. Sec. 136a-1(i) and (k)) may continue through the date specified in section 107(c) of this joint resolution. Prohibitions against collecting "other fees" as described in section 4(i)(6) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a-1(i)(6)) shall continue in effect through the date specified in section 107(c) of this joint resolution.

SEC. 119. The full amount provided under this joint resolution for necessary expenses to carry out the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), section 118(f) of the Superfund Amendments and Reauthorization Act of 1986, and section 3019 of the Solid Waste Disposal Act, shall be derived from the general fund.

SEC. 120. National Aeronautics and Space Administration is authorized to implement full cost accounting as of October 1, 2003, in the account structure that is consistent with the President's request for fiscal year 2004.

SEC. 121. Notwithstanding any other provision of this joint resolution, except section 107(c), the limitation on new loan guarantee commitments of the Federal Housing Administration, General and Special Risk Insurance Fund, shall be \$3,800,000,000 for the period of applicability of this joint resolution to continue projects and activities under that account: *Provided*, That the Secretary of Housing and Urban Development shall submit daily reports to the Committees on Appropriations of the House of Representatives and the Senate on the total amount of new loan guarantee commitments issued during the period of applicability of this joint resolution.

SEC. 122. For the period covered by this joint resolution, there shall be available, at the current rate of operations for fiscal year 2003, such funds as may be necessary for

grants and necessary expenses as provided for, in accordance with, and subject to the requirements set forth in the Compacts of Free Association, as amended, and their related agreements, (sections 211, 212, 213, 214, 215, and 217) as between the Government of the United States of America and the Government of the Republic of the Marshall Islands (signed April 30, 2003), and (sections 211, 212, 213, 214, and 216) as between the Government of the United States of America and the Federated States of Micronesia (signed May 14, 2003); to remain available until expended: *Provided*, That if H.J. Res. 63 of the 108th Congress, or similar legislation to approve the Compacts of Free Association, is enacted, any funding made available in this appropriation shall be considered to have been made available and expended for the purposes of funding for fiscal year 2004 as provided for in such enacted legislation.

SEC. 123. From amounts available to the Bureau of Indian Affairs under this joint resolution, \$123,500 shall be available to satisfy the requirements specified in sections 10(f), 11(b)(2), and 11(c) of Public Law 106-263.

SEC. 124. Notwithstanding any other provision of this joint resolution, except section 107(c), the District of Columbia may expend local funds for programs and activities under the heading "District of Columbia Funds-Operating Expenses" at the rate set forth for such programs and activities under title II of H.R. 2765, 108th Congress, as passed by the House of Representatives.

SEC. 125. Notwithstanding any other provision of law or of this joint resolution, except section 107, amounts provided in this joint resolution and in prior Appropriations Acts from the Airport and Airway Trust Fund shall be available for fiscal year 2004, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003, for expenditures to meet obligations, heretofore and hereafter incurred, as paid from the Airport and Airway Trust Fund in fiscal year 2003.

SEC. 126. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Highway Administration, for purposes described in 23 U.S.C. 104(a)(1)(A), shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

SEC. 127. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Bureau of Transportation Statistics, in accordance with 49 U.S.C. 111, shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned

under chapter 1 of title 23, United States Code, and shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs.

SEC. 128. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Transit Administration, in accordance with the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, shall continue to be transferred and credited to the Mass Transit Account of the Highway Trust Fund, to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner provided under section 5338(g) of title 49, United States Code.

SEC. 129. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the National Highway Traffic Safety Administration, in accordance with 23 U.S.C. 402, 403, 405, 410 and chapter 303 of title 49, United States Code, shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 130. Notwithstanding any other provision of law or of this joint resolution, except section 107, such amounts as may be necessary for administrative expenses of the Federal Motor Carrier Safety Administration, for purposes described in 23 U.S.C. 104(a)(1)(B), shall continue to be transferred and credited to the Highway Trust Fund (other than the Mass Transit Account), to be available to the Secretary of Transportation, at a rate for operations not exceeding the current rate and for which authority was made available under the Department of Transportation and Related Agencies Appropriations Act, 2003: *Provided*, That funds authorized under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code.

SEC. 131. Notwithstanding any other provision of law, amounts shall continue to be appropriated or credited to the Airport and Airway Trust Fund and the Highway Trust Fund after the date of any expenditure pursuant to this Act.

SEC. 132. Notwithstanding rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105-217, the provisions of sections 125 through 130, and section 134, of this joint resolution that would change direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 were they included in an Act other than an appropriations Act shall be treated as direct spending or receipts legislation, as appropriate, under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, and by the Chairmen of the House and Senate Budget Committees, as appropriate, under the Congressional Budget Act of 1974.

SEC. 133. Notwithstanding any other provision of this joint resolution, during fiscal

year 2004, direct loans under section 23 of the Arms Export Control Act may be made available for the Czech Republic, gross obligations for the principal amounts of which shall not exceed \$550,000,000: *Provided*, That such loans shall be repaid in not more than twelve years, including a grace period of up to five years on repayment of principal: *Provided further*, That no funds are available for the subsidy costs for these loans: *Provided further*, That the Government of the Czech Republic shall pay the full cost, as defined in section 502 of the Federal Credit Reform Act of 1990, associated with these loans, including the cost of any defaults: *Provided further*, That any fees associated with these loans shall be paid by the Government of the Czech Republic prior to any disbursement of any loan proceeds: *Provided further*, That no funds made available to the Czech Republic under this joint resolution or any other Act may be used for payment of any fees associated with these loans.

SEC. 134. The following provisions of law shall continue in effect through the date specified in section 107(c) of this joint resolution:

(1) Sections 9(b)(7), 14(a), 17(a)(2)(B)(i), and 18(f)(2) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)(7), 1762a(a), 1766(a)(2)(B)(i), and 1769(f)(2)).

(2) Section 15 of the Commodity Distribution Reform Act and WIC Amendments of 1987 (7 U.S.C. 612c note; Public Law 100-237).

SEC. 135. Section 8144(b) of the Department of Defense Appropriations Act, 2003, Public Law 107-248, is amended by striking "on September 30, 2003" and inserting "October 31, 2003".

The SPEAKER pro tempore. Pursuant to the order of the House of Wednesday, September 24, 2003, the gentleman from Florida (Mr. YOUNG) and the gentleman from Wisconsin (Mr. OBEY) each will control 30 minutes.

The Chair recognizes the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Speaker, I yield myself such time as I may consume.

(Mr. YOUNG of Florida asked and was given permission to revise and extend his remarks.)

Mr. YOUNG of Florida. Mr. Speaker, the legislation before the House, H.J. Res. 69, is a continuing resolution for fiscal year 2004, and it would extend until the end of October. Normally we do a 3- or 4- or 5-day CR, but the wiser approach is to do this for the entire month of October because there is considerable work still to do that has not yet been completed. This legislation is needed to continue the operation of the Federal Government for the first month of the new fiscal year.

I think everyone is aware that the Committee on Appropriations continues to work on the fiscal year 2004 bills. The House, as a matter of fact, has passed all of our appropriations bills, we passed three conference reports, and we have two more bills in conference with the other body as we speak today. Yesterday, we passed the conference reports for three very important appropriations bills: the Defense Appropriations bill, the Homeland Security Appropriations bill, and the Legislative Branch Appropriations bill that also included supplemental appropriations for natural disasters and forest fires.

We are continuing to move forward on conferences with the other body. We hope to have the conference reports for Energy and Water and Military Construction ready for House consideration very soon.

As I think we all know, in addition to our regular appropriations bills, we are also in the process of considering an \$87 billion budget amendment for the war against terror. Yesterday, we began oversight hearings on this request. There is still a considerable amount of work for our committee to do before we are able to adjourn.

That is the reason for this continuing resolution. Let me now briefly describe the terms and conditions of the continuing resolution. It will continue all ongoing activities at current rates, including supplemental funding, under the same terms and conditions as fiscal year 2003. As in past CRs, it does not allow new starts, and it restricts obligations on high initial spend-out programs so the annualized funding levels in this bill will not impinge on our final budget deliberations.

It includes provisions that allow for the continuation of programs and fee collections that would otherwise expire, for example, entitlement payments under the Food Stamp program, certain child nutrition programs, certain SBA loan programs, and payments to military personnel for imminent danger special pay and family separation allowances. The CR also allows the District of Columbia to spend local funds through the period of the CR at budget levels as passed by the House. The CR ensures that funding is available during the period of the CR to conduct administrative oversight and to pay certain Department of Transportation personnel managing surface and aviation programs in the absence of re-authorizations for such programs.

A provision was also requested by the Administration that is included in the CR that provides legislative authorization to implement a new, no-subsidy \$550 million Foreign Military Financing 12-year loan to the Czech Republic for the purchase of 14 of our used F-16 aircraft, weapons, training, and related logistics support from the United States.

Mr. Speaker, I do not think this CR is controversial, and I urge the House to move it to the Senate so the government may continue to operate efficiently and so that we can continue our work to finish the balance of the appropriations bills and the substantial request that we have for the \$87 billion war against terrorism.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 14 minutes.

Mr. Speaker, this continuing resolution will, I assume, be known as the Halloween appropriation bill for the year 2003, because what it does is to extend government activities until October 31 of this coming year. I am looking around the floor, looking for the

chickens, and I do not see any. And I am a little confused by that, because this is the day that the chickens come home to roost. I guess they are invisible, much like much of the truth is in the budget resolution that passed earlier this year. But I think we need to understand how we got to this situation today.

As of today, even though we are supposed to have all 13 appropriation bills passed by October 1, plus any supplementals for that fiscal year, despite that fact, this House has passed only three of the 13 conference reports that it would have to pass on appropriation bills in order to do its work. Now, that is not the fault of the Committee on Appropriations; it certainly is not the fault of the gentleman from Florida. The problem is that we have a budget process which has been stood on its head.

The idea behind the original budget resolution was that it was supposed to force all of the players in the Congress to face reality. Instead, it has been used increasingly each year by the House Republican leadership to assist the House in avoiding reality and ignoring reality.

What happens is this: the budget resolution for the year is produced by a committee that has absolutely no responsibility to implement it. The Committee on the Budget produces unreal numbers; they produce numbers that pretend that this Congress will spend less money than will actually wind up being spent on discretionary appropriations. It pretends in the budget resolution, as it did in April, that budget resolution pretended that we were going to meet the goals that many moderate Republicans had in this House for special education and for the No Child Left Behind Act, for instance. And then as soon as the budget resolution was passed, then the Committee on Appropriations is given the responsibility to deliver reality. And because the majority did not provide sufficient room in the budget resolution for this House to meet the promises that were laid out in the Republican budget resolution, then the Committee on Appropriations is stuck with the job of being the bad guy messenger.

□ 1030

So then poor RALPH REGULA, the chairman of the Subcommittee on Labor, Health and Human Services, Education and Related Agencies, has to come to the floor and say, "Sorry, boys and girls, we do not have enough room in the resolution to do what we promised we would do just 3 weeks ago." So we cannot fund special education the way we were going to fund it, and we cannot keep our promises on title I or the No Child Left Behind Act, and the list goes on and on and on.

So because that budget resolution starts out with an unrealistic set of numbers, then the next 6 months the House and the other body try to get a double hernia trying to lift enough

weight in order to get and pack all of these obligations into a tiny overall budget ceiling bag, and they cannot do it because they cannot repeal the basic laws of mathematics.

So now we are here with only three of the 13 appropriation bills passed. Last year when this happened, our friends on the majority side of the aisle blamed the other body because it was under Democratic control. Well, this year that is not the case. This year the Republican Party has all the marbles. They run the House, they run the Senate, they run the White House, and on good days, they even run the Supreme Court. And now what happened is that they do not have anybody to blame anymore. And the fact is, right now the majority Republican Party is having a fight with itself and it cannot win the debate. So it is stuck.

And so the gentleman from Florida (Mr. YOUNG), who has done his job, I mean the gentleman from Florida (Mr. YOUNG) has been a loyal soldier, followed his marching orders, even though the orders produced turkey results. He is a good, loyal soldier, and he has followed them; and so now he has to come to the floor and say, "Folks, guess what, because the budget resolution was not real, we have not been able to move these bills forward, and so we are stuck way behind on the calendar." And that is not the whole story.

In addition, yesterday we had a hearing on the supplemental for Iraq. Now, we were told in March of this year by the wizard who ran OMB for the past 2 years, Mitch Daniels, we were told by the resident wizard over there that Iraq was only going to cost the \$60 billion that the White House had already asked for in their first appropriation and there would not be any more need for money for Iraq for this year. They were only off by \$87 billion. So now we have got to come in and pass a supplemental, even though the witnesses yesterday did not have a clue, or at least they would not tell us if they did, about what it was going to cost us over the next 5 years to carry out, not our program, but their program in Iraq.

So, very frankly, this Congress has no budget process at this point. The truth is revealed to us on the installment plan by the administration in terms of the cost of the effort for Iraq, and the truth is obscured as far as the domestic budget is concerned in order to maintain the fiction that, even though we have conducted a unilateral war, we can afford to continue to provide \$88,000 tax cuts to millionaires in this country, and that is the biggest fiction of all.

So this bill is here trying to put a reality patch on an Alice in Wonderland fairy tale which is what the budget resolution has been. And so I do not blame the press for not covering it. This is too absurd a story to cover, and so we are left here facing inevitability; and we have no choice but to pass this resolution today.

Now, I would like to think that we would see a new sense of reality in the coming months, but I do not think so; and I go back to the conversation that I had years ago with Dick Bolling who served in this House, very distinguished career, and who wrote the Budget Act under which the budget resolution comes to the floor every year. Dick Bolling told me the night before he finalized his recommendations that he had one hard choice to make. He said, "I do not know whether we should set up the Committee on the Budget so that people who are on the Committee on the Budget are people who represent the power centers in this institution, like the Committee on Appropriations and the Committee on Ways and Means and the other committees with direct spending authority. I do not know whether we ought to require that it be made up of people like that or whether we ought to require that it be made up of independent players appointed by the caucuses without respect to what committees they serve on." He decided to do the latter. But when he did, he said, "If the party leaders do not take this process seriously and if they do not use it to force reality, then," he said, "I will have made a bad mistake."

And in fact, I think what has happened is that the majority party leadership has decided to use the budget process, not as an instrument to force Members of Congress to make hard choices but, rather, as an instrument that facilitates the pretense that we can have it all. And so we pretend that we can provide \$3 trillion-plus in tax cuts, even though we no longer have the surpluses that we had, that we were expecting when those tax cuts were passed.

We pretend we can fight a war in Iraq and charge every single dime to our grandchildren, and we pretend that that war will not have a consequence in terms of denied opportunities for kids to get a decent education and denied opportunities for people without health care to get some coverage. We pretend there are no consequences to the free-lunch budget that this place has passed. Well, there are in the real world, outside of this Chamber. And in this Chamber, probably the least consequential consequence is that we get stuck with having to pass a CR.

Now, this is not the first time that this has happened, but each year the problem gets worse because each year the Committee on Appropriations is asked to perform an act that is more and more impossible because the budget resolution is less and less responsible and real. And sooner or later we will come to the conclusion that the only way to return credibility to this House on the budget matter is to start with a budget resolution that makes sense and is honest in the first place.

We have not done that in years; and I will readily grant that in some years, when our party was in control, we did not have budget resolutions that were

the finest in the world either. But none of them, none of them departed as much from reality as the budget resolutions the last 3 years in this place; and so that is why we are here today, not because the Committee on Appropriations has not done its work, but because the Committee on Appropriations is asked to perform an impossible act. It is supposed to tell the truth in the context of a budget resolution which is a public lie; and that, no one can do.

So I sympathize with the gentleman from Florida. I will support this resolution because it is the only alternative we have, but the reasons we are here, indeed, do no great credit to this institution.

Mr. Speaker, I reserve the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself 1 minute.

I want to thank the gentleman from Wisconsin (Mr. OBEY) for pointing out that basically the Committee on Appropriations in the House has done its job. There are other reasons that are beyond our control that require us to have this CR. So I appreciate him pointing that out.

As he speaks to the budget issue, I want to defend the chairman and the ranking member and every member of the Committee on the Budget, but I would join the gentleman from Wisconsin (Mr. OBEY) in not having very complimentary comments about the product that eventually came to us as a budget resolution. It required considerable creativity on the part of the Committee on Appropriations in order to do what we had to do and still comply with the budget; and the fact that we were able to conclude our 13 bills early on is in no small part thanks to the cooperation that the gentleman from Wisconsin (Mr. OBEY) and I had with each other as we proceeded through some of these rocky paths, some of the very difficult differences that we had that we were able to finally work out.

Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, the gentleman indicated that the budget resolution required a great degree of creativity. I would like to explain to the House what one of those creative measures has been.

Last year, in order to pretend that the budget resolution provided adequate funding for education, the committee provided what was known as "advance funding" for education to the tune of \$2.2 billion. That meant that, for Enron accounting purposes, that \$2.2 billion, which was appropriated last year, was not going to count until the next fiscal year, 2004; but now, guess what. Now we are at the end of fiscal 2003. So nobody is watching what happens to the deficit for 2003 anymore. So what happens instead is that now we get a double reverse because this

proposal, this resolution today contains a gimmick that can only be labeled "Enron accounting 1A" because what this resolution does now is to move that \$2.2 billion back to fiscal 2003.

So you have to play the shell game when they are looking at what happened in 2003, slip the money into the fiscal 2004 budget, and then when people take their eyes off 2003 and now focus on 2004, then you slip the same money into 2003. Great gimmick. It technically works, but if the SEC were supervising this, I think they would have the same kind of questions about our bookkeeping that we have had about Enron.

So that is just one of the creative accounting measures that the committee has been reduced to following. I see the gentleman smiling. He knows what I am talking about.

Mr. Speaker, I yield 7 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the ranking member for yielding me the time, and I agree with everything he said; and I think the chairman agrees with most of what he said.

Usually when we discuss these issues, almost invariably those of us on this side of the aisle rise and first say that we do not hold responsible our chairman for the policies that are being pursued. It is his responsibility, however, to practically try to carry out flawed policies. He does so with a great deal of skill, with eminent fairness and with grace for which all of us who serve on his committee are very thankful.

But, Mr. Speaker, the chairman of the Committee on Appropriations is operating in the context of the most fiscally irresponsible policy that any administration and majority has followed in the history of this country. I pause for emphasis. The children of America, the grandchildren of America are going to be called upon to pay the bill for this irresponsible policy. That is what the ranking member meant when he said that all of the dollars that are being requested to pursue a policy that I supported in Iraq will be paid for by our children and grandchildren.

□ 1045

An irresponsible policy. An unrealistic policy.

And I would recall for Members that just a few months ago, when we adopted that budget resolution, of which the gentleman from Wisconsin (Mr. OBEY) spoke, we adopted it on a Thursday. No Democrats voted for it. Not one. We then, on the Tuesday following that Thursday, had a motion made by the gentleman from South Carolina (Mr. SPRATT), and that motion simply said that we instructed the conference not to do what was in the budget; not to cut veterans by \$1.5 billion; not to cut housing, which is in short supply for middle America; not to do many of the things that would have undercut edu-

cation, health care, and the environment that were proposed in that budget.

And I would further recall for Members, and unfortunately there are no press here, but I recall that the chairman of the Committee on the Budget (Mr. NUSSLE), sitting where the chairman of the Committee on Appropriations now sits, railed for about 29 minutes about how awful the motion to instruct was and how Members ought to vote against it. And then, lo and behold, the majority leader came to the floor, spoke quietly to the gentleman from Iowa (Mr. NUSSLE), and the vote was called.

Many Republicans rushed to the floor to vote against that motion to instruct, and, lo and behold, as the minutes went by, votes were changed. Lo and behold, as the minutes went by, the rhetoric of the gentleman from Iowa (Mr. NUSSLE) was forgotten quickly when the reality of the votes and the necessity to report at home the consequences of those votes was realized by our Republican friends on the majority side. So they changed their votes; or if they had not voted, voted for the motion to instruct offered by the gentleman from South Carolina (Mr. SPRATT). How ironic.

And now the gentleman from Florida (Mr. YOUNG) is confronted with another reality. Last year, we could not pass appropriation bills. Eight of them were passed not only after the fiscal year, but after the Congress had adjourned. Why? Because the gentleman from Florida (Mr. YOUNG) was forced to operate within a context of a totally unrealistic budget. And what did the Republicans say? They said, oh, it is Mr. DASCHLE's fault. It is the Senate's fault. They have not adopted a budget.

Well, now, they control the House, they control the Senate, they control the administration, and as the gentleman from Wisconsin (Mr. OBEY) pointed out, on a good day, they control the Supreme Court. I thought that was a good line and, unfortunately, true at times as well. But the fact of the matter is they control it all. And the lamentation that they put forward last year, the excuse that they put forward last year, the rationalization they pursued last year is not available to them; not to the gentleman from Florida (Mr. YOUNG) but to the majority leadership.

And so we are confronted with, yes, having passed our bills, and I might say some without a single Democratic vote. As a matter of fact, one of the largest bills, one of the most important bills for education of our children, for the health care of our families and citizens, not one Democrat voted for it. Not because we are not for education and health care, but because we knew that bill was an unrealistic bill.

So we are confronted today with a resolution that the gentleman from Florida (Mr. YOUNG) is required to put forward, and acting as he always does, responsibly, he must put forward, and



which I am going to support, as the gentleman from Wisconsin (Mr. OBEY) is going to support. It is the alternative we ought to pursue.

I said the most fiscally irresponsible administration. Why? Because after we adopt this budget or these appropriation bills, which will spend a lesser and lesser percentage of the gross domestic product of our country on discretionary spending that we will make decisions about, we will have created over a \$.5 trillion deficit in this single year, more debt than we incurred in the first 90 percent of the days of this Republic, and our children are going to pay the bill. How tragic. How irresponsible.

We passed a bankruptcy bill in which we made it harder to declare bankruptcy, and each of us on the floor said we need to require personal responsibility of those who seek credit. If we applied that same criteria to this administration and to the Congress of the United States, we would fail. We are not exercising personal responsibility. In this instance, we must pass this resolution, and I will vote for it, but I lament the fact that it is passed in the context of the most irresponsible fiscal policy that I have ever seen and this country has ever seen, and which is disadvantaging our country and our ability to invest in the future.

Mr. OBEY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I thank the gentleman for yielding me this time, and I wish to associate myself with the comments made by the gentleman from Wisconsin and the gentleman from Maryland.

Mr. Speaker, we have entered into a new era of irresponsibility in government, and this continuing resolution is representative of that. I understand the good work that went into trying to put this effort together, but as a Nation, we have very serious unmet needs: Health care, education, retirement security, and pension reform.

Our States are laboring under the biggest fiscal crises that we have seen since World War II. We have an economy that is faltering. Millions of workers are unemployed. We have nine million workers unemployed and 3.3 private sector jobs gone in the last couple of years. We have 41 million without health insurance and an entire generation on the cusp of retirement.

The people in charge have no plan to deal with these pressing needs, rather we have simply and systematically starved our capacity to do anything by imposing incredibly irresponsible tax cuts that benefit just a few wealthy individuals and special interests.

We come to this piece in the process where we say we have limited resources in order to deal with these very serious unmet needs, but the fact of the matter is we need to deal with the fundamental question of why do we have so few resources? It is because so few in our society are receiving so much. We

have 184,000 millionaires in the United States who are going to get a tax cut of \$93,000, and yet we cannot do anything about people who make between \$10,500 and \$26,000 in terms of a child tax credit because we say we do not have the money to do it. With 184,000 people getting \$93,000 in a tax break, we have so few getting so much. That is what we ought to be debating on the floor of this House.

This Congress is undermining the capacity and the obligation of government to provide key social support to reflect the values and the issues and the interests of the American people. From prescription drugs to education, from veterans health and housing programs, they are undermining the idea that our society can act with a shared sense of purpose, with a shared sense of responsibility to address the tasks that are before our country.

When we starve the government of the resources to meet its public commitments, in essence, we then are saying that government has no role to play. And while we know and we understand that government cannot play the sole role in people's lives, I believe that all Americans believe that we have, at the State and local and the Federal level, the obligation to assist people in a time of need to face the challenges that they have in their lives.

We cannot remove government from participating in the lives of the American people. We cannot undo our social responsibility. We cannot let it happen. The American people deserve better. And as we strive to finish the remaining appropriation bills, we should remember that this Congress, this House, the people's House, has an obligation to promote the capacity of our country to act together on our shared values. That is what we were elected to do.

Mr. OBEY. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, the gentleman from Florida and I are personal friends. And I take some pride in the fact that although this institution has become incredibly political over the last 15 years, and although it has become incredibly partisan, I take some pride in the fact that our friendship has withstood the context in which that friendship operates every day. I think, frankly, that the unreal demands on the part of the power centers in this institution have put greater strains on our friendship than is the case with any other chair and ranking member in the House, and yet we remain good friends. Because I know that the gentleman is trying to do his duty, and I think he understands that I am trying to do mine, and I think we genuinely like each other and respect each other.

But he is given the job of bringing some of the saddest pieces of legislation to this floor of anyone in the House, simply because he is denied the resources to meet our responsibilities to the citizens we represent. We had \$6 trillion in surpluses when the majority party 2 years ago started passing out

its tax cuts. We are now facing \$2 trillion to \$3 trillion in deficits over that same time frame. And on top of that, we are going to have to pay for Iraq, which will add a whole lot more than the \$87 billion that we have been told about so far.

And so in a rational world, one would think that when conditions change to that degree, assumptions would also change and conduct would change, and we might reconsider some of our past decisions. But that is evidently not going to occur, so we are still going to continue to pretend that we can afford these huge tax cuts that have been passed out to high-income people in this country.

This Congress faces a very simple choice: What kind of country do we want America to be? Are we satisfied with the prospect of having a country which in 10 years will have 50 million people without health insurance, rather than 40? Are we satisfied with the pretensions that we provide equal opportunity for education, when in fact we do not? Are we satisfied with the meager enforcement that protects private pension systems and that protects and enforces honest accounting by corporations so that investors can know what the rules of the game really are? Are we satisfied facing the long-term shortfalls that will occur in Social Security?

I am not satisfied with that prospect, and I do not think most Members of this institution are either. If that is the case, we need to act like it, and we need to have a reconsideration of what the gentleman from Maryland (Mr. HOYER) correctly calls the most colossally, fiscally irresponsible actions on the part of any administration certainly in my lifetime.

□ 1100

Mr. Speaker, having said that, I would simply urge Members for the time being to support this continuing resolution to give the Committee on Appropriations more time to perform its impossible responsibilities, and in hopes that eventually the majority leadership of this House will see the necessity to reconsider some of its most reckless fiscal actions.

Mr. Speaker, I yield back the balance of my time.

Mr. YOUNG of Florida. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to say that I appreciate more than I can say, the friendship that I enjoy with the gentleman from Wisconsin (Mr. OBEY) and the strong spirit of cooperation, as the leadership of the Committee on Appropriations, and also with the gentleman from Maryland (Mr. HOYER), as we work together to meet our responsibilities to the Congress and to the country. The gentleman from Maryland and I have not only a friendship, but a mutual respect.

But, Mr. Speaker, I think it is fair to point out that we have political and philosophical differences. There is no



doubt about that. That is basically why we have two parties, because one party believes one way and the other party believes another way on many issues. While our appropriations bills have received very large votes on the Republican side as well as the Democratic side, as we prepared those bills, we dealt with a lot of amendments in our committee. Most of those amendments were to increase spending and to increase taxes. Our committee does not have the jurisdiction to raise taxes, and we make that case when necessary in the committee.

If we were to add up all of the amendments offered by the minority party alone in committee, the deficit would really be big. They believe we do not spend enough money in many areas, and we believe that sometimes we spend too much money.

I want to say that I meet with my leadership, with the Speaker of the House and the majority leader, on a very regular basis. In fact, they probably get tired of seeing me, but I would say they are genuine in understanding their responsibility to the country. They are genuine and sincere in having a reasonable, responsible fiscal policy; and they are determined to allow the American workers to keep as much of their own money as they can without passing it on to the Congress.

We are in an unusual time. We have a war going in Iraq and a war going in Afghanistan and to a lesser extent a war going in many other parts of the world against terrorists, against people who are determined to do harm to the American people and to our country.

This did not just start on September 11. On February 26, 1993, terrorists bombed the World Trade Center in New York. Six lives were lost. The response was some harsh words, but basically nothing else.

On June 25, 1996, Khobar Towers in Saudi Arabia which housed our United States Air Force personnel was bombed by terrorists. Nineteen American airmen lost their lives. Again, there were words but no action, no response; and the terrorists grew bolder because they believed if America was not going to fight back, they should continue. So they did.

On August 7, 1998, terrorists bombed American embassies in Kenya and Tanzania, and 259 lives were lost. Well, we took some action then. We fired a couple of cruise missiles into abandoned terrorist training camps in Afghanistan. That was the extent of it.

On October 12, 2000, the USS *Cole*, a Navy warship, was bombed off the shore of Yemen. Seventeen sailors lost their lives, and many others were injured; again, harsh words, but no action.

On September 11, 2001, under a new Administration, a new President, a hijacked plane crashed into the Pentagon, and 189 lives were lost. September 11, 2001, hijacked planes crashed into the World Trade Center Towers, and nearly 3,000 lives were lost. Sep-

tember 11, 2001, a hijacked plane crashes into rural Pennsylvania, and 44 lives were lost. A new Administration, a new President as of September 11, and the words were harsh, the words were threatening; but there was more action. The attack was massive against the terrorist trainers and the terrorist supporters and the terrorist camps in Afghanistan. Further, we sent nearly 200,000 American troops into Iraq to rid the world of a tyrant who supported terrorist activities.

There is a major difference. This President, George Bush, took action to defend America. We have spent a lot of money since September 11, and that is one of the reasons we have a larger deficit. But let me say this to those Members who believe this money is nothing more than a mortgage on the future of our children and future generations. I say it is different. I say what we are doing to fight terrorism, wherever it raises its ugly head, is to secure future generations, to guarantee that our children and our grandchildren and future generations do not have to worry about being on a hijacked airplane or having a building they are inhabiting being attacked by a bomber or a hijacked airplane, or that future generations are going to be as secure as we can make them, to be free from anthrax, to be free from sarin gases, and to be free from nuclear exchanges.

Mr. Speaker, that is what we are doing today. We are spending considerable money to guarantee the future security and safety of Americans; and it is better to do that at the source, beyond the United States boundaries, than to do it here in the streets of Washington, D.C. or to do it in the streets of New York or Pennsylvania or any one of our districts that could be a target.

I say this is the proper philosophy. This is the proper way to secure the future generations, to invest what we must today to eliminate the ability of terrorists to threaten our future generations, our children and our grandchildren and our great grandchildren.

Yes, Mr. Speaker, there are some philosophical differences, some political differences among friends; but this is a brief statement of our position. I urge the passage of this continuing resolution.

Ms. WOOLSEY. Mr. Speaker, I rise today to share my disappointment that the Republican leadership must resort to this resolution to ensure the continuity of our Nation's vital programs. Instead of staying here and finishing the work that needs to be done, the Republican leadership continues to schedule short workweeks. Everyday that they drag their feet is another day our Nation's working families continue to struggle.

Our priorities should be passing a child tax credit that extends to low-income families denied a break in the Republican tax package, and, approving welfare reform that will not only reduce welfare rolls but also reduce poverty.

No person should go a day longer forced to choose between paying their rent and paying

for their prescription drugs while a prescription drug plan awaits a final vote by Congress. Sensible and popular initiatives such as education reform, homeland security and affordable housing continue to be either inadequately addressed or drastically underfunded by this leadership.

Mr. Speaker, it is time for the Republican leadership to wake up and put America's priorities first. Our country's working families are working hard everyday to strengthen this nation and we should be working just as hard to support them.

Mr. YOUNG of Florida. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. LATOURETTE). All time for debate has expired.

The joint resolution is considered read for amendment and pursuant to the order of the House of Wednesday, September 24, 2003, the previous question is ordered.

The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 407, nays 8, not voting 19, as follows:

[Roll No. 520]

YEAS—407

Abercrombie	Boozman	Collins
Ackerman	Boswell	Conyers
Aderholt	Boucher	Cooper
Akin	Boyd	Costello
Alexander	Bradley (NH)	Cox
Allen	Brady (PA)	Cramer
Andrews	Brady (TX)	Crane
Baca	Brown (OH)	Crenshaw
Bachus	Brown (SC)	Crowley
Baird	Brown, Corrine	Cubin
Baker	Brown-Waite,	Culberson
Baldwin	Ginny	Cummings
Ballance	Burgess	Cunningham
Ballenger	Burns	Davis (AL)
Barrett (SC)	Burr	Davis (CA)
Bartlett (MD)	Burton (IN)	Davis (IL)
Barton (TX)	Buyer	Davis (TN)
Bass	Calvert	Davis, Jo Ann
Beauprez	Camp	Davis, Tom
Becerra	Cannon	Deal (GA)
Bell	Cantor	DeGette
Bereuter	Capito	DeLauro
Berkley	Capps	DeLay
Berman	Capuano	DeMint
Berry	Cardin	Deusch
Biggart	Cardoza	Diaz-Balart, L.
Bilirakis	Carson (IN)	Diaz-Balart, M.
Bishop (NY)	Carson (OK)	Dicks
Bishop (UT)	Carter	Dingell
Blackburn	Case	Doggett
Blumenauer	Castle	Dooley (CA)
Blunt	Chabot	Doolittle
Boehlert	Chocola	Doyle
Boehner	Clay	Dreier
Bonilla	Clyburn	Dunn
Bonner	Coble	Ehlers
Bono	Cole	Emanuel

Emerson  
Engel  
English  
Etheridge  
Evans  
Everett  
Farr  
Fattah  
Feeney  
Ferguson  
Filner  
Fletcher  
Foley  
Forbes  
Fossella  
Frank (MA)  
Franks (AZ)  
Frelinghuysen  
Gallegly  
Garrett (NJ)  
Gerlach  
Gibbons  
Gilchrest  
Gillmor  
Gingrey  
Gonzalez  
Goode  
Goodlatte  
Gordon  
Goss  
Granger  
Graves  
Green (TX)  
Green (WI)  
Greenwood  
Grijalva  
Gutierrez  
Gutknecht  
Hall  
Harman  
Harris  
Hart  
Hastings (FL)  
Hastings (WA)  
Hayes  
Hayworth  
Hefley  
Hensarling  
Herger  
Hill  
Hinchey  
Hinojosa  
Hobson  
Hoeffel  
Hoekstra  
Holden  
Holt  
Honda  
Hooley (OR)  
Hostettler  
Houghton  
Hoyer  
Hulshof  
Hunter  
Hyde  
Inlee  
Isakson  
Israel  
Issa  
Jackson (IL)  
Jackson-Lee  
(TX)  
Janklow  
Jefferson  
Jenkins  
John  
Johnson (CT)  
Johnson (IL)  
Johnson, E. B.  
Johnson, Sam  
Jones (NC)  
Jones (OH)  
Kanjorski  
Kaptur  
Keller  
Kelly  
Kennedy (MN)  
Kennedy (RI)  
Kildee  
Kilpatrick  
Kind  
King (IA)  
King (NY)  
Kingston  
Kirk  
Klecza  
Kline  
Knollenberg  
Kolbe

LaHood  
Lampson  
Langevin  
Lantos  
Larsen (WA)  
Latham  
LaTourette  
Leach  
Lee  
Levin  
Lewis (CA)  
Lewis (KY)  
Linder  
Lipinski  
LoBiondo  
Lofgren  
Lowey  
Lucas (KY)  
Lucas (OK)  
Lynch  
Majette  
Maloney  
Manzullo  
Markey  
Matheson  
Matsui  
McCarthy (MO)  
McCarthy (NY)  
McCollum  
McCotter  
McCrery  
McDermott  
McGovern  
McHugh  
McInnis  
McIntyre  
McKeon  
McNulty  
Meehan  
Meek (FL)  
Meeks (NY)  
Menendez  
Mica  
Michaud  
Millender  
McDonald  
Miller (FL)  
Miller (MI)  
Miller (NC)  
Miller, Gary  
Miller, George  
Mollohan  
Moore  
Moran (KS)  
Moran (VA)  
Murphy  
Murtha  
Musgrave  
Myrick  
Nadler  
Napolitano  
Neal (MA)  
Nethercutt  
Neugebauer  
Ney  
Northup  
Norwood  
Nunes  
Obey  
Oliver  
Ortiz  
Osborne  
Ose  
Otter  
Owens  
Oxley  
Pallone  
Pascarell  
Payne  
Pearce  
Pelosi  
Pence  
Peterson (MN)  
Peterson (PA)  
Petri  
Pickering  
Pitts  
Platts  
Pomboy  
Porter  
Portman  
Price (NC)  
Pryce (OH)  
Putnam  
Quinn  
Radanovich  
Rahall  
Ramstad

Rangel  
Regula  
Rehberg  
Renzi  
Reynolds  
Rodriguez  
Rogers (AL)  
Rogers (KY)  
Rogers (MI)  
Rohrabacher  
Ros-Lehtinen  
Ross  
Rothman  
Roybal-Allard  
Ruppersberger  
Rush  
Ryan (OH)  
Ryan (WI)  
Ryun (KS)  
Sabo  
Sanchez, Linda  
T.  
Sanchez, Loretta  
Sanders  
Sandlin  
Saxton  
Schakowsky  
Schiff  
Schrock  
Scott (GA)  
Scott (VA)  
Sensenbrenner  
Serrano  
Sessions  
Shadegg  
Shaw  
Sherman  
Sherwood  
Shinkus  
Shuster  
Simmons  
Simpson  
Skelton  
Slaughter  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Snyder  
Solis  
Souder  
Spratt  
Stark  
Stearns  
Stenholm  
Strickland  
Stupak  
Sullivan  
Sweeney  
Tancredo  
Tanner  
Tauscher  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Terry  
Thomas  
Thompson (CA)  
Thompson (MS)  
Thornberry  
Tiahrt  
Tiberti  
Tierney  
Toomey  
Turner (OH)  
Turner (TX)  
Udall (CO)  
Udall (NM)  
Upton  
Van Hollen  
Velazquez  
Visclosky  
Vitter  
Walsh  
Walden (OR)  
Wamp  
Waters  
Watson  
Waxman  
Weiner  
Weldon (FL)  
Weller  
Wexler  
Whitfield  
Wicker  
Wilson (NM)  
Wilson (SC)

Wolfe  
Woolsey  
Wu  
Wynn  
Young (AK)  
Young (FL)

## NAYS—8

DeFazio  
Duncan  
Flake  
Ford  
Nussle  
Paul

Royce  
Smith (MI)

## NOT VOTING—19

Bishop (GA)  
Davis (FL)  
Delahunt  
Edwards  
Eshoo  
Frost  
Gephardt  
Istook  
Kucinich  
Larson (CT)  
Lewis (GA)  
Marshall  
Oberstar  
Pastor  
Reyes  
Shays  
Towns  
Watt  
Weldon (PA)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LATOURETTE) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1134

Mr. FRANKS of Arizona and Mr. PEARCE changed their vote from "nay" to "yea."

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1078

Mr. KLINE. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1078.

The SPEAKER pro tempore (Mr. LATOURETTE). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

## RATIFYING AUTHORITY OF FTC TO ESTABLISH A DO-NOT-CALL REGISTRY

Mr. TAUZIN. Mr. Speaker, pursuant to the previous order of the House, I call up the bill (H.R. 3161) to ratify the authority of the Federal Trade Commission to establish a do-not-call registry, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 3161 is as follows:

H.R. 3161

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

## SECTION 1. NATIONAL DO-NOT-CALL REGISTRY.

(a) AUTHORITY.—The Federal Trade Commission is authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(a)(3)(A)) to implement and enforce a national do-not-call registry.

(b) RATIFICATION.—The do-not-call registry provision of the Telemarketing Sales Rule (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified.

The SPEAKER pro tempore. Pursuant to the order of the House, Wednesday, September 24, 2003, the gentleman from Louisiana (Mr. TAUZIN) and the gentleman from Michigan (Mr. DINGELL) each will control 30 minutes.

The Chair recognizes the gentleman from Louisiana (Mr. TAUZIN).

## GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to insert extraneous material on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, welcome to Groundhog Day, courtesy of a misguided court decision, soon to be overthrown, I believe, were we not acting today, but one that jeopardizes one of the most consumer-friendly regulations ever to come out of Washington in a long time. Just several months ago, President Bush signed the Do-Not-Call Implementation Act into law. That law authorized the funding of the Federal Trade Commission's National Do-Not-Call registry, a concept so embraced by consumers in America that 50 million Americans have now signed up to be on that list since then. And, Mr. Speaker, Congress passes a law, and an agency then implements it. Nothing wrong, right? Wrong. One can imagine our surprise when we found out yesterday morning that a Federal court in Oklahoma, not California, Oklahoma, invalidated the FTC's do-not-call registry. And even more surprising was the judge's basis for the decision. He found the FTC did not have the statutory authority to create a national do-not-call list.

Nothing could be further from the truth. As I mentioned in February of this year, Congress passed the Do-Not-Call Implementation Act. Obviously, Congress would not have funded something that it thought was unauthorized. Indeed, back in 1994, Congress passed the Telemarketing Fraud and Abuse Prevention Act, which gave the FTC power to regulate abusive telemarketing practices. Certainly, allowing consumers to sign up for a do-not-call list, to essentially opt out of an abusive telemarketing practice, is well within the mandate given to the FTC.

Make no mistake. The judge in this case is dead wrong, and I am sure his decision will, in turn, be overturned. In an abundance of caution, however, and I make perfectly clear to any and all who may have doubts, today we consider H.R. 3161. This bill specifically authorizes the FTC to create a national do-not-call list and explicitly ratifies the FTC's actions over the past year to implement that list. We should probably call the bill "This Time We Really Mean It Act" to cure any myopia in the judicial branch.

The bill leaves no doubt as to the intent of Congress. The FTC wants this list. The President of the United States wants this list, and more importantly, 50 million Americans, who are growing impatient about being interrupted at mealtime by unwanted and unnecessary harassing telemarketing calls,

want this list. And this Congress is going to make sure they have this list today.

Every consumer should have the right to choose whom they want to talk to. We allow consumers to opt out of junk mail. All they have to do is go down to the post office and tell the Postal Service they do not want junk mail coming to their house, and it does not come. They can choose not to answer a knock at the door. They can decide who enters their house and who communicates with them there. Consumers ought to have the power to say "no" to unwelcomed and unwanted telemarketing calls. Families ought to have the right to enjoy a little time together at the end of a day and no longer come home to find their answering machines jam filled with telemarketing calls.

Worst of all, they get that call and answer it, and there is nobody there. These new devices that rotary dial three, four, five, maybe 20 people at a time and the first one who answers, they hang up on all the rest, those are the worst to me. Americans are signing up to end that kind of abusive practice, and we need to give the FTC clear authority.

I want to thank the gentleman from Michigan (Mr. DINGELL), the ranking Democrat on our committee and the dean of our House, because he and I have promised to do everything in our power to make sure that the do-not-call list becomes a reality, and he is here with me today to make sure we pass this bill.

Less than 1 week from today, on October 1, 2003, we hope to give Americans access to precisely what they have been asking for, a national do-not-call list, and today we are effectively hanging up on the telemarketers who have been bothering me at that precious hour of the day.

Mr. TAUZIN. Mr. Speaker, I reserve the balance of my time.

Mr. DINGELL. Mr. Speaker, I yield myself 3 minutes.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, unwanted telemarketing calls are less popular than a skunk at a church picnic, and they are more persistent and obnoxious than athlete's foot. Today we are going to bring them under control at the request of the American people.

In 1994 this body passed the Telemarketing Act to protect consumer privacy and to curb abusive and abrasive telemarketing. Through that law, the Federal Trade Commission created a national do-not-call registry, and over 50 million American consumers have registered their numbers on that list. They do not want to be called.

Earlier this year, I introduced the Do-Not-Call Implementation Act with my dear friend and colleague, the gentleman from Louisiana (Mr. TAUZIN), the chairman of the committee. That

bill was passed by both Chambers by an overwhelming majority. It provided necessary funding so that the do-not-call list could go into effect on time. It also was said in the hearings by the Federal Trade Commission that no additional authority was needed by that body to issue this do-not-call list.

Well, the telemarketers are back. Despite our previous efforts, an erroneous decision made in Oklahoma agreed with the Direct Marketing Association that we did not give the Federal Trade Commission authority to create the list. That decision was in remarkable error, and we are today going to overrule it.

Last night I, once again, in concert with my distinguished friend and the chairman of the Committee on Energy and Commerce, introduced legislation to settle this question for good and all. That legislation is now before us. It unequivocally states that the FTC is authorized to create and to enforce a national do-not-call registry, and it officially ratifies the existing list.

I commend and congratulate my friend, the gentleman from Louisiana (Mr. TAUZIN), the chairman, for his splendid work on this matter. I urge my colleagues to vote for that legislation.

The registry is scheduled to go into effect in less than one week. And we are here to make sure that it stays on schedule. I encourage my colleagues in both Chambers to pass this legislation swiftly. And I hope the President will heed the call of consumers and sign this legislation into law.

Mr. Speaker, 50 million Americans cannot be wrong. They want this legislation, they deserve no less. I urge my colleagues to enact the legislation.

Mr. Speaker, I yield the balance of my time to the distinguished gentleman from Massachusetts (Mr. MARKEY), and I ask unanimous consent that he may be permitted to yield time on behalf of this side of the aisle. He has had much experience with this and has been a great leader in the matter.

The SPEAKER pro tempore (Mr. SIMPSON). Without objection, the gentleman from Massachusetts will control the time of the gentleman from Michigan.

There was no objection.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 3 minutes to the distinguished gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, I rise in strong support of this legislation that fixes Judge Lee R. West's decision of earlier this week. I have the phone number for Judge Lee R. West. I thought maybe the 50 million folks that have decided to call the FTC and say enough is enough, maybe we ought to pass on this phone number to his office in Oklahoma. I do not know that they would get anything done for the next couple of weeks.

Mr. Speaker, I rise in strong support. And I do not know of a family out there that has not received these awful

phone calls, usually at some important moment. I can remember earlier this summer, I was finally home from a long day, and my wife and kids are ready to go with their friends down to Lake Michigan, my dog is wagging his tail. That is one of the words that he knows, "beach." He is so excited. The phone rings. It is a solicitation call from a good group, I am sure. My wife has it down pat. Do you know what she does? "It is for you." I get to the phone, and I have got to make sure they are not from our district, and then with that, that phone call is gone.

Mr. Speaker, 50 million folks like our house have called the FTC. When you look at it, that is 50 percent of America. We have about 100 million households, so 50 million households have said hang up. We do not want this. And, yet, Judge Lee R. West, I cannot say a good guy, a guy out in Oklahoma, has said no.

This legislation changes it. We are going to get it done. Let us all vote for this bill.

□ 1145

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DOYLE).

Mr. DOYLE. Mr. Speaker, we had a very unfortunate ruling in Oklahoma City, one that we are going to undo today.

This reminds me a lot about back in the days before I was in Congress. I was in the insurance business, and we used to do a lot of cold calling to make insurance calls. They always told us as they were training us that you had to get nine noes in order to get a yes; but if you kept calling, that every time a person said no to you, not to lose faith, because you were one step closer to the yes.

So today we are doing a tremendous favor for the telemarketers in America, something that I wish they had done for me when I first started in the insurance business. We are giving them the list of the noes up front, so they do not have to make these nine calls to get a yes. We are telling them up front the people that do not want to talk to them, and now all they have to do is call the people that want to hear from them, that want to buy their products.

I think it is a wonderful thing which we do today for the telemarketers, and it is a wonderful thing we do for the 50 million Americans that do not want to have to pick up that phone at dinner-time.

Mr. MARKEY. Mr. Speaker, I want to associate myself with the excellent comments and argument of the gentleman from Pennsylvania.

Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from Indiana (Mr. BUYER).

(Mr. BUYER asked and was given permission to revise and extend his remarks, and include extraneous material.)

Mr. BUYER. Mr. Speaker, yesterday, the U.S. District Court for the Western District of

Oklahoma ruled that the Federal Trade Commission did not have the authority to create a national "do-not-call" registry.

While the Court can and did make legal arguments to support its ruling, what it cannot and should not deny is the will of the people. And the will of the people when it comes to a national "do not call list" is strong and vigilant.

Since June, when the registry was first opened, over 50 million phone numbers have been submitted to the FTC registry. People are simply fed up with telemarketers interrupting their meals by offering vacations or more credit cards.

In my home state of Indiana, almost 1.5 million phones are registered for the Telephone Privacy program. That represents almost 58 percent of our state, meaning that 3.5 million Hoosiers have chosen to reduce unwanted telemarketing calls. A survey in Indiana found that those on the Indiana Telephone Privacy list had their calls reduced from an average of twelve per week to only one per week. Indiana's Telephone Privacy law works.

One important feature of the Indiana law is that it contains very few exemptions. In fact, Indiana's law has fewer exemptions than the FCC and FTC rules.

While we have permitted these agencies to provide more exemptions on the Federal level, it must be made clear that Congress does not intend to interfere with statutes, like Indiana's, that choose to tighten these loopholes. Indeed, efforts like Indiana's that inspired the Federal "do not call" program, demonstrate the critical role that States can play in achieving creative solutions to serious problems. Such efforts should not be discouraged.

It is my understanding that Congress has no intention of preempting State laws that provide protections greater than those provided by our Federal "do not call" program. Furthermore, I also understand that Congress has no intention of permitting the FCC or FTC to preempt, by regulation or otherwise, State statutes that provide greater protections than the Federal "Do Not Call" program provides.

The FCC and FTC should be reminded that the mandate from Congress is create a "do not call" program that provides a nationwide minimum standard of protection for all Americans. States that choose to exceed that standard should in no way be prohibited from doing so.

I am pleased by the swift action of the Chairman and Ranking Member of the Energy and Commerce Committee. H.R. 3161 will allow the will of the people to prevail in light of the judicial interference from yesterday.

Mr. TAUZIN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, let me again emphasize this is extraordinary. The court decision came out yesterday. The leadership of this House authorized this bill to the floor today. We are about to pass this bill, I believe the Senate is about to do the same thing, and, in all likelihood, we will have a bill on the President's desk this afternoon.

This Congress has often been called a slow and cumbersome beast, but I think you can see how fast this Congress is prepared to move when 50 million Americans are angry, and I cannot imagine more anger now, when 50 million Americans found out the national do-not-call list was put in jeopardy by a single judge in Oklahoma somewhere.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from Illinois (Ms. SCHAKOWSKY), the ranking member on the Committee on Energy and Commerce Subcommittee on Commerce, Trade, and Consumer Protection, which has jurisdiction over the Federal Trade Commission.

Ms. SCHAKOWSKY. Mr. Speaker, I thank the gentleman for yielding me time, but, more importantly, today I thank him for his nearly decade-long leadership on this issue.

Mr. Speaker, I rise in strong support of this bipartisan legislation. I want to thank the gentleman from Louisiana (Chairman TAUZIN) and the full committee ranking Democratic Member, the gentleman from Michigan (Mr. DINGELL), for their outstanding leadership in quickly advancing this pro-consumer legislation.

Yesterday's decision by the Federal District Judge blocking the FTC from implementing its national do-not-call registry was, I believe, incorrect. Earlier this session we passed the National Do-Not-Call Implementation Act with overwhelming bipartisan support. The new law explicitly gave the FTC the authority to collect fees and create a national do-not-call list.

I am actually confident that the court's decision would have eventually been overturned on appeal. But, fortunately, we are not waiting for that process to occur. Today we are removing any uncertainty about Congress' intent. With the passage of this legislation, the Federal Trade Commission will be able to add more people to their list, and they will be able to implement its do-not-call registry without interruption or delay.

Mr. Speaker, we all appreciate the very precious time that we have at home with our families after a long day at work, but who has not been interrupted by an unwanted telemarketer? We all know from personal experience how intrusive these calls can be.

I think it is important to note that it will not block the calls from companies with whom you already do business. I received a telemarketing call from a credit card company offering me a deal that could lower my rate, et cetera. I was happy to get that call, and we actually made that change. Those calls will be able to continue.

But we all know the calls. My last name is "Schakowsky." My key is when they say, "Is Mrs. Schakowsky home," or all kinds of funny names, I just say "no," and hang up. We all have our strategies for dealing with those.

Mr. Speaker, I urge all of my colleagues to support this pro-consumer legislation.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the senior gentleman from New Jersey, (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today as a cosponsor and strong supporter of the chairman from Louisiana's bill and commend him for taking swift action against the ruling of the District Court in Oklahoma City.

Over the years through my Know-Your-Caller Act, I have worked with the gentleman from Louisiana (Mr. TAUZIN) and the FTC to bring consumers greater protection from the many unwanted annoying calls that telemarketers placed at all hours of the day and night, seven days a week. These calls are an invasion of privacy, not to mention that many of these callers are unscrupulous and prey on older American senior citizens.

The FTC, Congress, and the American consumers have got it right, and this district court has got it completely wrong. This is the most incorrect and outrageous ruling I have seen in a long time. It is a direct shot at every consumer. Millions of them have registered to get their names on the list, who receive these annoying calls during dinner with their families, in the middle of the night, and then again early in the morning.

Mr. Speaker, I support this bill, and commend the chairman for his leadership and quick action.

Mr. MARKEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, I thank my friend for yielding me time.

As a member of the Committee on Energy and Commerce and as a cosponsor of this bill, I really want to thank the judge. We ought to have more court rulings like this, because I have never seen one that brings this Congress closer together the whole year. This has often been a contentious Congress that clashes on issues. Here everyone agrees. I want to thank the judge for making us all love each other.

We do it because 50 million Americans have signed up to not be bothered by telemarketers. That is a phenomenal amount of people in a very short time. So if there was ever an issue on which everyone agrees, this is the issue.

Everyone has been bothered at the dinner table with these annoying calls. This morning as I was leaving to come here to the Capitol, the phone rang. I picked it up, and there it was, another telemarketer asking kind of sneaky questions, intrusive questions, trying to get you to give them some information in a very sneaky way. People are just fed up with it.

There are no first amendment rights here. All of the things that have been said about why this law should be blocked are ridiculous. Again, in all my years in Congress, I have hardly ever seen anything with which everyone agrees.

So, again, I want to thank the judge for bringing us together. I rise in strong support of the legislation, and as a cosponsor, I commend the chairman of our committee, the gentleman from Louisiana (Mr. TAUZIN), and the ranking member, the gentleman from Michigan (Mr. DINGELL). That is why this is such a great committee; we all agree on so many important things.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume to

do something very unusual on the House floor. As the gentleman from Massachusetts (Mr. MARKEY) knows, every now and then, we are accused of voting for bills we have not totally read. I am going to read the whole bill.

I want all the judges of America to pay close attention. I want you to tune in good. Turn up the volume a little bit and turn off your telephone and listen real carefully, because I am going to read the whole bill to you. Every judge in America, here it comes:

“(a) AUTHORITY. The Federal Trade Commission is authorized under section 3(a)(3)(A) of the Telemarketing and Consumer Fraud and Abuse Prevention Act (15 U.S.C. 6102(A)(3)(A)) to implement and enforce a national do-not-call registry.”

Do you hear me? To implement and enforce a do-not-call registry.

“(b) RATIFICATION. The do-not-call registry provision of the Telemarketing Sales Rule, (16 C.F.R. 310.4(b)(1)(iii)), which was promulgated by the Federal Trade Commission, effective March 31, 2003, is ratified.”

Did you hear me, judges? Ratified.

When this bill passes today, when the Senate does the same thing, none of you judges ought to have any doubt. We really mean it, do you understand? We really mean it. We want the national do-not-call list to become law on October 1.

Mr. Speaker, I reserve the balance of my time.

Mr. MARKEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support for this bill, and I rise in strong commendation for the chairman of the Committee on Energy and Commerce, the gentleman from Louisiana (Mr. TAUZIN) and for our ranking member, the gentleman from Michigan (Mr. DINGELL).

The gentleman from Louisiana (Mr. TAUZIN) has brought this bill out at such a rapid pace that I believe that this legislation has set the Congressional land speed record for legislating in the aftermath of a terrible Oklahoma court decision, and I want to congratulate the gentleman from Louisiana. I think this record, like Roger Bannister's breaking of the four-minute mile, will be viewed as a landmark for all future legislation in the history of our country.

This legislation got to the House floor faster than a consumer can hang up on a telemarketer at dinner time. I mean, the gentleman just did a phenomenal job in ensuring that we are able to protect the American people, because we need this bill in order to ensure that by Christmastime, the only ringing bells consumers will hear are jingle bells and sleigh bells, not the jangling phone ruining people's family holidays.

Now, if we do not pass this legislation, the judge in Oklahoma will have to put his own courthouse phone number on a do-not-call list, because he will have millions of phone calls from

complaining Americans demanding that this decision be reversed. So we are doing the judge a big favor today. We are saving him from the same headache that tens of millions of Americans feel that they are subjected to on a daily basis by the phone calls that come into their homes on an unwanted basis.

What is our purpose? The gentleman from Louisiana, the gentleman from Michigan, all the Members of Congress, all we are trying to do is to make the Direct Marketing Association, these telemarketers, more efficient. How efficient is it to know exactly who is receptive to your hundreds of calls a year than for us to put together a list for you of all of the people in America who want to get these calls?

Now, I do not happen to be one of them. I actually signed up at 12:01 a.m. on the first day that it was available to end these calls coming in to my own home, personally, and I threw my cell phone in as well. Those 50 million other phone numbers that are on that list, I was trying to be number one in that land speed race to end it once and for all.

What we have got now on our hands is, in my opinion, a very efficient telemarketing industry, one which can now use their huckster sales pitch to address just those Americans who kind of enjoy having people call them at all hours of the day, and we know there are people out there that really do like it.

If a salesman comes to your front door and knocks on the front door, you do not have to answer. That is your way of dealing with them. But if someone calls you on the phone, that phone just keeps ringing until you have to answer it. That is the difference between a door-to-door salesman and someone who calls you on the phone. That person can ruin your supper, can ruin your day. So this do-not-call database proposal is a winner for the millions of consumers who are plagued by those unsolicited commercial telemarketing calls.

The bill which we consider today permits the FTC to proceed on a timely basis, so that by October 1, consumers can begin to see a reduction in unwanted telemarketing calls.

Having first proposed a national do-not-call database registry in legislation that the Congress successfully enacted in 1991, I believe its implementation is action that is long overdue. Consumers across the country have clearly voted in favor of signing up for the database, indicating by the millions that they want an effective “no soliciting” sign on their home phone or cell phone.

□ 1200

They want this national database to help to bring a halt to the seemingly nightly ritual of phone calls, interrupting dinner or precious family time.

I am pleased to be an original cosponsor of this bill with the gentleman

from Louisiana (Chairman TAUZIN). Again, I want to commend the chairman for his alacrity in bringing this bill to the floor so soon after the court decision. He and the gentleman from Michigan (Mr. DINGELL) and all of the Members who worked on this and the staff who worked on this overnight deserve an enormous amount of credit.

Finally, I want to commend FTC Chairman Timothy Muris for his pro-consumer action in creating the Federal Trade Commission do-not-call rules. This do-not-call database will be a powerful new tool for consumers to combat unwanted telemarketing intrusions. It is a landmark day in the history of consumer legislation in our country. Tim Muris deserves a lot of credit, the rest of the FTC, the gentleman from Louisiana (Chairman TAUZIN), the gentleman from Michigan (Mr. DINGELL), and all of the other Members.

Mr. Speaker, I reserve the balance of my time.

Mr. TAUZIN. Mr. Speaker, let me thank my friend from Massachusetts for his compliments and, most importantly, for his extraordinary long-standing support for actions to protect consumers in America, and this is just one more step in that direction.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. WALDEN), a distinguished member of our committee.

Mr. WALDEN of Oregon. Mr. Speaker, as a cosponsor of H.R. 3161, I stand here today to express my strong opposition to yesterday's decision by the U.S. District Court in Oklahoma.

As of September of this year, 16 percent of all Oregonians, that is 541,117 citizens, have made the decision to be on the do-not-call list; 16 percent. These citizens have expressed their rights to uninterrupted free speech at the dinner table and the breakfast table and the lunch table, and the middle of the night.

Earlier this year, I received a call from Mr. Chad De Gennaro of Grants Pass, Oregon, that best summarizes the frustration that I think all of us have felt after getting these unsolicited phone calls in our homes when we did not want them. Chad said, “As only one person, I cannot single-handedly defend myself against telemarketing companies with banks of telephones and hundreds of phone solicitors. No matter how many times I say that I do not want to be called again, sure enough, I wind up getting called again, and at all times of the day.”

Mr. Speaker, 541,117 Oregonians looked to the Federal Government, to us, to protect them from these unsolicited phone calls and trusted that this list would allow them some peace and quiet in their homes. That is what the FTC's list would have provided on October 1.

Here in Congress, we understood from the FTC that they had the authority to prepare and implement this list. The FTC believed they had the right to create this list; and more importantly, the

citizens of Oregon and across America knew and believed that the FTC was going to protect them by implementing this list and this legislation. Only the U.S. District Court of Oklahoma thought otherwise.

Mr. Speaker, I join my chairman and my colleagues on both sides of the aisle today in support of this legislation. I appreciate the quick action of our chairman, the gentleman from Louisiana (Mr. TAUZIN), in moving this bill forward so that we can protect ourselves from calls we do not want coming into our phones and into our homes.

Mr. MARKEY. Mr. Speaker, I have no other requests for time to speak on this important bill, so I will continue to reserve my time.

Mr. TAUZIN. Mr. Speaker, I am pleased to yield 2 minutes to the distinguished gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the chairman for yielding me this time, and I applaud his stunningly quick action with alacrity to speak on behalf of the elected representatives of the American people on this subject.

Mr. Speaker, one unelected Federal judge in Oklahoma took it upon himself to strike down a law passed by Congress, actioned by the executive branch, and two appropriations acts, and the action of 40 million Americans to sign a do-not-call registry. Never in history has so much been screwed up by such a small number of people: one judge.

Protecting telemarketers under the first amendment is like protecting the classroom bully who insists that it is his first amendment right to harass all of the other children in class. I think the judge in this case has wondered if the Congress has been clear in this case. Well, Congress is going to be blisteringly clear; and we are going to follow this up, if this bill does not pass the Senate quickly, with appropriations action to make sure that in this Congress, in this year, we keep the do-not-call registry online, that we do not force any other Americans to reregister, that we keep those who signed up on the list, and that we protect that sacred zone of privacy in Americans' homes so that they can have dinner with their wives and kids and not be harassed by these calls.

Mr. Speaker, I applaud the ranking member and the chairman for this quick action, and I urge rapid adoption of this legislation.

Mr. MARKEY. Mr. Speaker, with compliments to the gentleman from Louisiana (Chairman TAUZIN) and to the gentleman from Michigan (Ranking Member DINGELL), and to all of the Members who worked on this legislation, I yield back the balance of my time.

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

In summation, let me again thank the gentleman from Massachusetts (Mr. MARKEY) and the gentleman from

Michigan (Mr. DINGELL) for their extraordinary bipartisan cooperation in moving this as rapidly as we have. It is the sort of cooperation we always seem to get from our members on both sides of the aisle on the Committee on Energy and Commerce when we have a problem that clearly faces our country that is neither Democrat nor Republican, but is American. This is an American problem, and we are solving it as Americans in this House, and that is always a proud moment in this House when that occurs. I want to thank my colleagues for all of the courtesies and the help that we have gotten in moving this legislation forward.

The gentleman from Massachusetts (Mr. MARKEY) was correct in complimenting the chairman of the FTC, Mr. Muris. I want to also join in that compliment. The Federal Trade Commission, as the gentleman knows, took on what the FCC would not take on. We had originally given this authority to the Federal Communications Commission which declined to put together a national do-not-call list. Mr. Muris and the Federal Trade Commission decided to go forward with it with our help. So we authorized the money for them to proceed with the list. Only this judge seems to want to stand in the way of it, and this Congress now makes it very clear today that we want to give Americans this right.

I want to make a public apology. These harassing phone calls that come to us in the middle of the precious time we have with our family have gotten to a point of, I know, such aggravation that some of us react very badly to a call we get at a most inappropriate moment, and sometimes we are pretty ugly to a telemarketer who is bothering us or interrupting us. I hung up on the Ambassador's wife from Norway one day, thinking she was a telemarketer. She belongs to an international club with my wife, and we had to make great apologies afterwards because I thought I was being harassed by a telemarketer. Those sorts of things ought not happen in America. We ought not be caught in these awful circumstances where we are so aggravated that we are impolite to someone as important as an Ambassador's wife who was trying to make a call to my wife, and I apologize both to my wife and to her again publicly for my impatience.

But Americans are impatient, and they are tired of this kind of problem, and they want it fixed; and this legislation will fix it today. We have heard some of the passion on this floor. The passion that we feel about this issue is the passion that Americans feel about this issue. When 50 million Americans sign up as fast as they have, that tells us how passionately Americans feel about a national do-not-call list, and it is time to be implemented.

Mr. INSLEE. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Washington.

Mr. INSLEE. Mr. Speaker, I want to commend the chair for his rapidity in bringing this to the floor. I just want to say there is total bipartisan agreement that Americans are sick and tired of having their dinners interrupted by these calls, and today that is going to stop.

I just want to answer the people who have raised freedom-of-speech issues here, which I do not believe apply to this, because there is also a freedom not to listen. What we are saying today is Americans have the right not to listen to these telemarketing calls. This is in the finest tradition of the Constitution which said we, the people, in order to assure the common defense and assure domestic tranquility, and we are standing up for domestic tranquility today. This is a good day to do it.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I thank the gentleman for those comments. In fact, we have been asked so many times, is this a free-speech issue. The United States Constitution gives you the right to speak; it does not give you the right to be heard. None of us have an obligation to listen if we do not want to. As a courtesy, we listen to one another in this House, hopefully we do, but nobody has an obligation to listen. The fact that Americans have the right not to be bothered by some speech they do not want to listen to is a right we ought to protect too. That is what we do today.

Mr. UPTON. Mr. Speaker, will the gentleman yield?

Mr. TAUZIN. I yield to the gentleman from Michigan.

Mr. UPTON. Mr. Speaker, I just want to ask the chairman if, after he hung up on that Ambassador's wife, if he still got the pocket fisherman or the ginsu knife, if they still might have sent that along.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, I can only tell the gentleman it was an embarrassing moment and, again, I apologize to both of them. But the gentleman knows we have heard this bill in committee, and he knows how absolutely aggravated people get with these calls. They seem to come at the worst moment. When you are just leaving the house, you are trying to get everything in the car and the phone rings, it could be your mother calling, your daughter, your son, somebody important; and you rush back in and it is one of these doggone calls. They always come at the exact wrong moment. I am not saying telemarketers are bad people. There are many good telemarketing firms, and for folks who want to receive these calls and take advantage of them, they will have that right under the bill. But it is just going to end the ones we do not want, the ones that aggravate us to the point where we do something as stupid as I did, for which I have apologized today a few times.

Mr. HOLT. Mr. Speaker, the Do-Not-Call Registry was crafted as a balance between

the rights of businesses to market their products and the right of consumers to avoid unnecessary harassment. Today, due to a judicial decision, we are back here on the House floor to reaffirm the validity of the registry.

Telemarketers have, like everyone else in this country, the right to free speech. They have the right to say what they want. What they don't have is the right to force Americans to listen to their sales pitches.

Americans, on the other hand, should have the right to a little peace and quiet. They should have the right to not have to get unwanted advertising pitches over the phone during dinnertime.

Telemarketers already have the tools they need to exercise their right to free speech—they have autodialing computers, prerecorded messages, phone registries, and legions of operators. In creating the Do-Not-Call Registry, the FTC was merely trying to provide consumers with the power to truly exercise this right. The Do-Not-Call Registry is just one simple, effective tool that will give consumers the ability to exercise their right to a little peace and quiet.

Unfortunately, Judge Lee R. West of the Western District of Oklahoma recently ruled that Congress did not give the FTC explicit authority to create the do-not-call list. Of course, Judge West has the right to make that ruling, if he thinks that is the correct interpretation of the law. Congress then has the responsibility to clarify that it has indeed given the FTC authority to protect consumers by creating the registry, as we are doing today.

While I strongly support the continued implementation of the Do-Not-Call Registry, I should mention that the FTC left some loopholes. If you've bought, leased, or rented something from a company in the past 18 months, they can still call you until you say, "Stop." They can also call you if you've applied or inquired with them over the past three months—even something as mundane as asking for a store's hours.

Telemarketers have jumped to these loopholes, showing the lengths that many of them will go to in order to call people during dinner-time with unwanted ads. The FTC should revisit its rules and see if these loopholes can be closed.

Even still, it's critical that we reaffirm the validity of the do-not-call list. I want to commend Chairman TAUZIN, Ranking Member DINGELL, and all the members of the Energy and Commerce Committee, for bringing this clarifying legislation to the floor. I'm sure my constituents will be pleased to see this body reacting so quickly.

I urge all of my colleagues to vote for this bill so it can be signed into law and we can avoid delaying implementation of the do-not-call list.

Mr. STUPAK. Mr. Speaker, I am pleased that Chairman TAUZIN and Ranking Member DINGELL have moved so quickly to address this week's decision by the Federal district court in Oklahoma that the FTC did not have authority to implement the national Do Not Call list.

It is not often that we can move forward with such speed in a bipartisan manner in both bodies, but this action only proves that Congress intends this list to go into effect, despite what Judge West in Oklahoma may think.

This list was to have gone into effect on October 1, and millions of consumers were look-

ing forward to getting some relief from telemarketers.

I am somewhat amazed by the decision of the court, given that Congress clearly expressed its intent to provide the FTC with the authority to implement the list by passing the Do Not Call Implementation Act.

I do not know how much more clear we could have been—we gave the agency funding to set up the list, but yet the court managed to find that no authority existed from Congress.

This bill will make things clear, and I am pleased at this quick response to the ruling. I am a cosponsor of this bill and look forward to its quick passage.

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of this legislation to clarify that Congress specifically authorizes the Federal Trade Commission to establish a Do Not Call Registry.

During debate last year on the Do Not Call Registry, I had initially preferred that Congress enact even stronger language.

But, in voting for the registry, I never thought that the language we enacted wouldn't be sufficient enough to withstand judicial review.

Mr. Speaker, the people have spoken.

They want the power to reduce the number of annoying telemarketing calls that too often interrupt the precious, yet increasingly limited, time that they spend with their families.

The response has been tremendous.

I've joined over 50 million Americans who have already signed up for the registry, and it hasn't even gone into effect yet.

The Do Not Call Registry is a popular consumer protection tool that needs to be implemented.

The FTC has moved swiftly on behalf of consumers, and we should do the same.

If the FTC needs this specific authority, then let's pass this bill today, get it to the President and make sure that there is no disruption in the FTC's ambitious timeline to make the Do Not Call Registry a reality for millions of American consumers.

Mr. TAUZIN. Mr. Speaker, I urge adoption of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of Wednesday, September 24, 2003, the bill is considered read for amendment and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. TAUZIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clauses 8 and 9 of rule XX, this 15-minute vote on H.R. 3161 will be followed by 5-minute votes on the motion to instruct on H.R. 1, by the yeas and nays; and the motion to instruct on H.R. 1588, by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 412, nays 8, not voting 14, as follows:

Abercrombie	DeLauro	John
Ackerman	DeLay	Johnson (CT)
Aderholt	DeMint	Johnson (IL)
Akin	Deutsch	Johnson, E. B.
Alexander	Diaz-Balart, L.	Johnson, Sam
Allen	Diaz-Balart, M.	Jones (NC)
Andrews	Dicks	Kanjorski
Baca	Dingell	Kaptur
Bachus	Doggett	Keller
Baird	Dooley (CA)	Kelly
Baker	Doolittle	Kennedy (MN)
Baldwin	Doyle	Kennedy (RI)
Ballance	Dreier	Kildee
Ballenger	Duncan	Kilpatrick
Barrett (SC)	Dunn	Kind
Bartlett (MD)	Edwards	King (IA)
Barton (TX)	Ehlers	King (NY)
Bass	Emanuel	Kingston
Beauprez	Emerson	Kirk
Becerra	Engel	Klecza
Bell	English	Kline
Bereuter	Eshoo	Knollenberg
Berkley	Etheridge	Kolbe
Berman	Evans	LaHood
Berry	Everett	Lampson
Biggart	Farr	Langevin
Bilirakis	Fattah	Lantos
Bishop (NY)	Feeney	Larsen (WA)
Blackburn	Ferguson	Latham
Blumenauer	Filner	LaTourette
Blunt	Fletcher	Leach
Boehlert	Foley	Lee
Boehner	Forbes	Levin
Bonilla	Ford	Lewis (CA)
Bonner	Fossella	Lewis (KY)
Bono	Frank (MA)	Linder
Boozman	Franks (AZ)	Lipinski
Boswell	Frelinghuysen	LoBiondo
Boucher	Frost	Lofgren
Boyd	Galleghy	Lowe
Bradley (NH)	Garrett (NJ)	Lucas (KY)
Brady (PA)	Gerlach	Lucas (OK)
Brady (TX)	Gilchrist	Lynch
Brown (OH)	Gillmor	Majette
Brown (SC)	Gingrey	Maloney
Brown, Corrine	Gonzalez	Manzullo
Brown-Waite,	Goode	Markey
Ginny	Goodlatte	Marshall
Burgess	Gordon	Matheson
Burns	Goss	Matsui
Burr	Granger	McCarthy (MO)
Burton (IN)	Graves	McCarthy (NY)
Buyer	Green (TX)	McCollum
Calvert	Green (WI)	McCotter
Camp	Greenwood	McCrery
Cantor	Grijalva	McDermott
Capito	Gutierrez	McGovern
Capps	Gutknecht	McHugh
Capuano	Hall	McInnis
Cardin	Harman	McIntyre
Cardoza	Harris	McKeon
Carson (IN)	Hart	McNulty
Carson (OK)	Hastings (FL)	Meehan
Carter	Hastings (WA)	Meeks (NY)
Case	Hayes	Menendez
Castle	Hayworth	Mica
Chabot	Hefley	Michaud
Chocola	Hensarling	Millender
Clay	Hergert	McDonald
Clyburn	Hill	Miller (FL)
Coble	Hinchee	Miller (MI)
Cole	Hinojosa	Miller (NC)
Collins	Hobson	Miller, Gary
Conyers	Hoeffel	Miller, George
Cooper	Hoekstra	Mollohan
Costello	Holden	Moore
Cox	Holt	Moran (KS)
Cramer	Honda	Moran (VA)
Crane	Hooley (OR)	Murphy
Crenshaw	Hostettler	Murtha
Crowley	Houghton	Musgrave
Cubin	Hoyer	Myrick
Culberson	Hulshof	Napolitano
Cummings	Hunter	Neal (MA)
Cunningham	Hyde	Nethercutt
Davis (AL)	Inslee	Neugebauer
Davis (CA)	Isakson	Ney
Davis (FL)	Israel	Northup
Davis (IL)	Issa	Norwood
Davis (TN)	Istook	Nunes
Davis, Jo Ann	Jackson (IL)	Nussle
Davis, Tom	Jackson-Lee	Oberstar
Deal (GA)	(TX)	Obey
DeFazio	Janklow	Olver
DeGette	Jefferson	Ortiz
Delahunt	Jenkins	Osborne

[Roll No. 521]

YEAS—412



Ose	Ryan (WI)	Tauscher
Otter	Ryun (KS)	Tauzin
Owens	Sabo	Taylor (MS)
Oxley	Sanchez, Linda	Taylor (NC)
Pallone	T.	Thomas
Pascarell	Sanchez, Loretta	Thompson (CA)
Payne	Sanders	Thompson (MS)
Pearce	Sandlin	Thornberry
Pelosi	Saxton	Tiahrt
Pence	Schakowsky	Tiberi
Peterson (MN)	Schiff	Tierney
Peterson (PA)	Schrock	Toomey
Petri	Scott (GA)	Towns
Pickering	Scott (VA)	Turner (OH)
Pitts	Sensenbrenner	Turner (TX)
Platts	Serrano	Udall (CO)
Pomero	Sessions	Udall (NM)
Porter	Shadegg	Upton
Portman	Shaw	Van Hollen
Price (NC)	Sherman	Velazquez
Pryce (OH)	Sherwood	Visclosky
Putnam	Shimkus	Vitter
Quinn	Shuster	Walden (OR)
Radanovich	Simmons	Walsh
Rahall	Simpson	Wamp
Ramstad	Skelton	Waters
Rangel	Slaughter	Watson
Regula	Smith (MI)	Waxman
Rehberg	Smith (NJ)	Weiner
Renzi	Smith (TX)	Weldon (FL)
Reynolds	Smith (WA)	Weller
Rodriguez	Snyder	Wexler
Rogers (AL)	Solis	Whitfield
Rogers (KY)	Souder	Wicker
Rogers (MI)	Spratt	Wilson (NM)
Rohrabacher	Stark	Wilson (SC)
Ros-Lehtinen	Stearns	Wolf
Ross	Stenholm	Woolsey
Rothman	Stupak	Wu
Roybal-Allard	Sullivan	Wynn
Royce	Sweeney	Young (AK)
Ruppersberger	Tancred	Young (FL)
Rush	Tanner	

## NAYS—8

Bishop (UT)	Meek (FL)	Strickland
Cannon	Paul	Terry
Flake	Ryan (OH)	

## NOT VOTING—14

Bishop (GA)	Larson (CT)	Reyes
Gephardt	Lewis (GA)	Shays
Gibbons	Nadler	Watt
Jones (OH)	Pastor	Weldon (PA)
Kucinich	Pombo	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1233

Mr. TERRY and Mr. RYAN of Ohio changed their vote from “yea” to “nay.”

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. BISHOP of Georgia. Mr. Speaker, on rollcall No. 520 and 521, had I been present, I would have voted “aye.”

## MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question on the motion to instruct conferees on H.R. 1.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct

conferees offered by the gentleman from Wisconsin (Mr. KIND), on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 199, nays 220, not voting 15, as follows:

[Roll No. 522]

## YEAS—199

Abercrombie	Frost	Neal (MA)
Ackerman	Gonzalez	Oberstar
Alexander	Gordon	Obey
Allen	Green (TX)	Olver
Andrews	Grijalva	Ortiz
Baca	Gutierrez	Owens
Baird	Hall	Pallone
Baldwin	Harman	Pascarell
Ballance	Hastings (FL)	Payne
Becerra	Hill	Pelosi
Bell	Hinchey	Peterson (MN)
Berkley	Hinojosa	Pomero
Berman	Hoeffel	Price (NC)
Berry	Holden	Rahall
Bishop (GA)	Holt	Rangel
Bishop (NY)	Honda	Renzi
Blumenauer	Hooley (OR)	Reyes
Boswell	Hoyer	Rodriguez
Boucher	Inslee	Ross
Boyd	Israel	Rothman
Brady (PA)	Jackson (IL)	Roybal-Allard
Brown (OH)	Jackson-Lee	Ruppersberger
Brown, Corrine	(TX)	Rush
Brown-Waite,	Jefferson	Ryan (OH)
Ginny	Johnson, E. B.	Sabo
Capps	Kanjorski	Sanchez, Linda
Capuano	Kaptur	T.
Cardin	Kennedy (RI)	Sanchez, Loretta
Cardoza	Kildee	Sanders
Carson (IN)	Kilpatrick	Sandlin
Carson (OK)	Kind	Schakowsky
Case	Klecza	Schiff
Clay	Lampson	Scott (GA)
Clyburn	Langevin	Scott (VA)
Conyers	Lantos	Serrano
Cooper	Larsen (WA)	Sherman
Costello	Latham	Skelton
Cramer	Leach	Slaughter
Crowley	Lee	Smith (WA)
Cummings	Levin	Snyder
Davis (AL)	Lipinski	Solis
Davis (CA)	Lofgren	Spratt
Davis (FL)	Lowe	Stark
Davis (IL)	Lucas (KY)	Stenholm
Davis (TN)	Lynch	Strickland
DeFazio	Majette	Stupak
DeGette	Marshall	Tanner
Delahunt	Matheson	Tauscher
DeLauro	Matsui	Taylor (MS)
Deutsch	McCarthy (MO)	Thompson (CA)
Dicks	McCarthy (NY)	Thompson (MS)
Dingell	McDermott	Tierney
Doggett	McGovern	Towns
Dooley (CA)	McIntyre	Turner (TX)
Doyle	McNulty	Udall (CO)
Edwards	Meehan	Udall (NM)
Emanuel	Meek (FL)	Van Hollen
Emerson	Meeks (NY)	Velazquez
Engel	Menendez	Visclosky
Eshoo	Michaud	Waters
Etheridge	Millender-	Watson
Evans	McDonald	Waxman
Farr	Miller (NC)	Weiner
Fattah	Miller, George	Wexler
Filner	Mollohan	Woolsey
Fletcher	Moore	Wu
Ford	Moran (VA)	Wynn
Frank (MA)	Murtha	

## NAYS—220

Aderholt	Boehner	Capito
Akin	Bonilla	Carter
Bachus	Bonner	Castle
Baker	Bono	Chabot
Ballenger	Boozman	Chocola
Barrett (SC)	Bradley (NH)	Coble
Bartlett (MD)	Brady (TX)	Cole
Barton (TX)	Brown (SC)	Collins
Bass	Burgess	Cox
Beauprez	Burns	Crane
Bereuter	Burr	Crenshaw
Biggart	Burton (IN)	Cubin
Bilirakis	Buyer	Culberson
Bishop (UT)	Calvert	Cunningham
Blackburn	Camp	Davis, Jo Ann
Blunt	Cannon	Davis, Tom
Boehlert	Cantor	Deal (GA)

DeLay	Keller	Ramstad
DeMint	Kelly	Regula
Diaz-Balart, L.	Kennedy (MN)	Rehberg
Diaz-Balart, M.	King (IA)	Reynolds
Doolittle	King (NY)	Rogers (AL)
Dreier	Kingston	Rogers (KY)
Duncan	Kirk	Rogers (MI)
Dunn	Kline	Rohrabacher
Ehlers	Knollenberg	Ros-Lehtinen
English	Kolbe	Royce
Everett	LaHood	Ryan (WI)
Feeney	LaTourette	Ryun (KS)
Ferguson	Lewis (CA)	Saxton
Flake	Lewis (KY)	Schrock
Foley	Linder	Sensenbrenner
Forbes	LoBiondo	Sessions
Fossella	Lucas (OK)	Shadegg
Franks (AZ)	Manzullo	Shaw
Frelinghuysen	McCotter	Shays
Gallegly	McCrery	Sherwood
Garrett (NJ)	McHugh	Shimkus
Gerlach	McInnis	Shuster
Gilchrest	McKeon	Simmons
Gillmor	Mica	Simpson
Gingrey	Miller (FL)	Smith (MI)
Goode	Miller (MI)	Smith (NJ)
Goodlatte	Miller, Gary	Smith (TX)
Goss	Moran (KS)	Souder
Granger	Murphy	Stearns
Graves	Musgrave	Sullivan
Green (WI)	Myrick	Sweeney
Greenwood	Nethercutt	Tancred
Gutknecht	Neugebauer	Tauzin
Harris	Ney	Taylor (NC)
Hart	Northup	Terry
Hastings (WA)	Norwood	Thomas
Hayes	Nunes	Thornberry
Hayworth	Nussle	Tiahrt
Hefley	Osborne	Toomey
Hensarling	Ose	Turner (OH)
Herger	Otter	Upton
Hobson	Oxley	Vitter
Hoekstra	Paul	Walden (OR)
Hostettler	Pearce	Walsh
Houghton	Pence	Wamp
Hulshof	Peterson (PA)	Weldon (FL)
Hunter	Petri	Weller
Hyde	Pickering	Whitfield
Isakson	Pitts	Wicker
Issa	Platts	Wilson (NM)
Istook	Pombo	Wilson (SC)
Janklow	Porter	Wolf
Jenkins	Portman	Young (AK)
Johnson (CT)	Pryce (OH)	Young (FL)
Johnson (IL)	Putnam	
Johnson, Sam	Quinn	
Jones (NC)	Radanovich	

## NOT VOTING—15

Gephardt	Larson (CT)	Nadler
Gibbons	Lewis (CA)	Napolitano
John	Maloney	Pastor
Jones (OH)	Markey	Watt
Kucinich	McCollum	Weldon (PA)

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining in this vote.

□ 1244

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mrs. NAPOLITANO. Mr. Speaker, on rollcall No. 522, had I been present, I would have voted “yes.”

## PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Speaker, I was unavoidably detained due to committee business and missed 2 votes. Had I been present, I would have voted: 521—“yes” and 522—“no.”

# MOTION TO INSTRUCT CONFEREES ON H.R. 1588, NATIONAL DEFENSE AUTHORIZATION ACT FOR FIS- CAL YEAR 2004

The SPEAKER pro tempore. The unfinished business is the question on the motion to instruct conferees on H.R. 1588.

The Clerk will designate the motion.

The Clerk designated the motion.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from New York (Mr. CROWLEY) on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 356, nays 67, not voting 11, as follows:

[Roll No. 523]

YEAS—356

Abercrombie	Davis (IL)	Hoyer
Ackerman	Davis (TN)	Hulshof
Aderholt	Davis, Jo Ann	Hyde
Alexander	Davis, Tom	Inslee
Allen	Deal (GA)	Isakson
Andrews	DeFazio	Israel
Baca	DeGette	Istook
Bachus	Delahunt	Jackson (IL)
Baird	DeLauro	Jackson-Lee
Baldwin	Deutsch	(TX)
Ballance	Diaz-Balart, L.	Janklow
Barrett (SC)	Diaz-Balart, M.	Jefferson
Bartlett (MD)	Dicks	Jenkins
Bass	Dingell	John
Beauprez	Doggett	Johnson (CT)
Becerra	Dooley (CA)	Johnson (IL)
Bell	Doyle	Johnson, E. B.
Bereuter	Dunn	Jones (NC)
Berkley	Edwards	Jones (OH)
Berman	Ehlers	Kanjorski
Berry	Emanuel	Kaptur
Biggert	Emerson	Keller
Billrakis	Engel	Kelly
Bishop (GA)	English	Kennedy (MN)
Bishop (NY)	Eshoo	Kennedy (RI)
Bishop (UT)	Etheridge	Kildee
Blumenauer	Evans	Kilpatrick
Bonner	Everett	Kind
Bono	Farr	King (NY)
Boozman	Fattah	Kingston
Boswell	Ferguson	Kirk
Boucher	Filner	Klecza
Boyd	Fletcher	Kline
Bradley (NH)	Forbes	Knollenberg
Brady (PA)	Ford	Kolbe
Brown (OH)	Fossella	LaHood
Brown (SC)	Frank (MA)	Lampson
Brown, Corrine	Frelinghuysen	Langevin
Brown-Waite,	Frost	Lantos
Ginny	Gallegly	Larsen (WA)
Burns	Gerlach	Latham
Burr	Gibbons	LaTourette
Burton (IN)	Gilchrest	Leach
Calvert	Gingrey	Lee
Camp	Gonzalez	Levin
Capps	Goode	Lewis (KY)
Capuano	Goodlatte	Lipinski
Cardin	Gordon	LoBiondo
Cardoza	Graves	Lofgren
Carson (IN)	Green (TX)	Lowe
Carson (OK)	Greenwood	Lucas (KY)
Case	Grijalva	Lucas (OK)
Chabot	Gutierrez	Lynch
Clay	Hall	Majette
Clyburn	Harman	Maloney
Coble	Hastings (FL)	Manzullo
Cole	Hayes	Markley
Collins	Hayworth	Marshall
Conyers	Herger	Matheson
Cooper	Hill	Matsui
Costello	Hinchey	McCarthy (MO)
Cox	Hinojosa	McCarthy (NY)
Cramer	Hobson	McCotter
Crenshaw	Hoeffel	McDermott
Crowley	Hoekstra	McGovern
Cubin	Holden	McHugh
Cummings	Holt	McIntyre
Cunningham	Honda	McNulty
Davis (AL)	Hoolley (OR)	Meehan
Davis (CA)	Hostettler	Meek (FL)
Davis (FL)	Houghton	Meeks (NY)

Menendez	Putnam	Smith (WA)
Mica	Quinn	Snyder
Michaud	Rahall	Solis
Millender-	Ramstad	Souder
McDonald	Rangel	Spratt
Miller (FL)	Regula	Stark
Miller (MI)	Rehberg	Stearns
Miller (NC)	Renzi	Stenholm
Miller, George	Reyes	Strickland
Mollohan	Rodriguez	Stupak
Moore	Rogers (AL)	Sullivan
Moran (KS)	Rogers (KY)	Sweeney
Moran (VA)	Ros-Lehtinen	Tanner
Murphy	Ross	Tauscher
Murtha	Rothman	Tauzin
Musgrave	Roybal-Allard	Taylor (MS)
Napolitano	Royce	Terry
Neal (MA)	Ruppersberger	Thompson (CA)
Ney	Rush	Thompson (MS)
Northup	Ryan (OH)	Tierney
Norwood	Ryan (WI)	Toomey
Nunes	Ryun (KS)	Towns
Oberstar	Sabo	Turner (TX)
Obey	Sanchez, Linda	Udall (CO)
Olver	T.	Udall (NM)
Ortiz	Sanchez, Loretta	Upton
Osborne	Sanders	Van Hollen
Ose	Sandlin	Velazquez
Otter	Saxton	Visclosky
Owens	Schakowsky	Vitter
Oxley	Schiff	Walden (OR)
Pallone	Schrock	Walsh
Pascarella	Scott (GA)	Wamp
Payne	Scott (VA)	Waters
Pearce	Sensenbrenner	Watson
Pelosi	Serrano	Waxman
Peterson (MN)	Shaw	Weiner
Peterson (PA)	Shays	Weldon (FL)
Petri	Sherman	Wexler
Pickering	Sherwood	Whitfield
Pitts	Shimkus	Wicker
Platts	Shuster	Wilson (NM)
Pombo	Simmons	Wilson (SC)
Pomeroy	Simpson	Wolf
Porter	Skelton	Woolsey
Portman	Slaughter	Wu
Price (NC)	Smith (MI)	Wynn
Pryce (OH)	Smith (NJ)	Young (AK)
	Smith (TX)	Young (FL)

NAYS—67

Akin	Duncan	McKeon
Baker	Feeney	Miller, Gary
Ballenger	Flake	Myrick
Barton (TX)	Foley	Nethercutt
Blackburn	Franks (AZ)	Neugebauer
Blunt	Garrett (NJ)	Nussle
Boehlert	Gillmor	Pence
Boehner	Goss	Radanovich
Bonilla	Granger	Reynolds
Brady (TX)	Green (WI)	Rogers (MI)
Burgess	Gutknecht	Rohrabacher
Buyer	Harris	Sessions
Cannon	Hastings (WA)	Shadeegg
Capito	Hefley	Tancredo
Carter	Hensarling	Taylor (NC)
Castle	Hunter	Thomas
Chocola	Issa	Thornberry
Crane	Johnson, Sam	Tiahrt
Culberson	King (IA)	Tiberi
DeLay	Lewis (CA)	Turner (OH)
DeMint	Linder	Weller
Doolittle	McCrery	
Dreier	McInnis	

NOT VOTING—11

Cantor	Larson (CT)	Pastor
Gephardt	Lewis (GA)	Watt
Hart	McCollum	Weldon (PA)
Kucinich	Nadler	

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1258

Mr. SIMPSON and Ms. DUNN changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## PERSONAL EXPLANATION

Mr. LARSON of Connecticut. Mr. Speaker, I would like to submit this statement for the RECORD and regret that I could not be present today, Thursday, September 25, 2003, to vote on rollcall vote Nos. 520, 521, 522, and 523 because I was attending a funeral in my District.

Had I been present, I would have voted: "aye" on rollcall vote No. 520 on H.J. Res. 69—Continuing Resolution through October 31st; "aye" on rollcall vote No. 521 on H.R. 3161—To Ratify the Authority of the FTC to Establish a Do-Not-Call Registry; "aye" on rollcall vote No. 522 on the motion to instruct conferees on H.R. 1 to accept provisions in the Senate and House bills to avoid cuts to rural hospitals, ensure access to health care for rural communities and provide guaranteed prescription drug coverage; and "aye" on rollcall vote No. 523 on the motion to instruct conferees on H.R. 1588 to accept provisions in the Senate bill to provide TriCare health coverage for reservists called to active duty.

## LEGISLATIVE PROGRAM

(Mr. SANDLIN asked and was given permission to address the House for 1 minute.)

Mr. SANDLIN. Mr. Speaker, for the purpose of scheduling, I yield to the gentleman from Ohio (Mr. PORTMAN).

Mr. PORTMAN. Mr. Speaker, I thank the gentleman for yielding, and I would be happy to talk about the schedule to the extent we know it.

Mr. Speaker, according to the calendar we announced at the beginning of the year, next week was scheduled to be the last week of the first session of the 108th Congress; and while the House by and large has completed its work for this session, the Senate is a little behind us, maybe several weeks behind us, and we still have some more work to do. So we will be here beyond October 3, certainly. We will be completing appropriations bills, as well as other important priorities.

In addition, the President's recent request for additional resources for the war on terrorism through the supplemental is something this Congress will be considering. Of course, that means we will need additional time in session.

While I understand that Members are anxious to know about votes for October, especially for the week of October 6, we have not yet finalized a number of key decisions that need to be made before we know exactly what that schedule will be. Hopefully by the close of business tomorrow, Friday, we will be able to distribute a "Dear Colleague" letter to each office which will indicate the days when we expect to have votes for the entire month of October. This information will also be on the majority leader's Web site hopefully by the close of business tomorrow.

For next week, in addition to a lengthy list of bills that we will consider under suspension of the rules

starting on Tuesday, we do have a long list of conference reports that could become available.

□ 1300

These include, but are not limited to, the FAA authorization, which has to get done, as we all know, the DOD authorization bill, military construction appropriations bill, energy and water appropriations bill, and, of course, the Energy Policy Act of 2003.

No one can say at this time which days any of these bills will be considered by the House. It is difficult to know, but I would stress that we will expect to be voting on one or more of these conference reports, and we should expect to be here next Friday.

Members should know we may well be working late into the evening next Friday, October 3, 2003, to consider some of these conference reports. I would try to answer any further questions the gentleman from Texas has.

Mr. SANDLIN. Mr. Speaker, I will reclaim my time.

Mr. Speaker, it was indicated that there was hope to have a schedule available as soon as tomorrow for the month of October. As of right now, is there an expectation that we would have legislative business during the week of October 6, 2003, even though the other body has decided not to be in session during the week?

Mr. PORTMAN. Mr. Speaker, if the gentleman will continue to yield, I think we will have a better answer to that as of tomorrow close of business. But my expectation would be we would have business here on the floor even though the Senate will be out, the other body, in part because of the work we need to do on the supplemental, and in part because of possibility of other important work in the appropriations conference reports.

Mr. SANDLIN. Mr. Speaker, I note that it was indicated that we could be working late into the evening next Friday. And, of course, that is contingent on many things. But I would like to know if there is a possibility that we will not be working late next Friday so that the Members can schedule their transportation needs, and also would request an answer to why we would be working late next Friday and confounding scheduling when we have not been working on Mondays and Fridays in the past.

Mr. PORTMAN. Mr. Speaker, that is certainly a fair question. And I honestly do not think we will have the answer to that until some time midweek next week, depending on how the conference reports are going. My point earlier was that Members should be prepared to be here on Friday, if necessary. We do not know if that will be necessary, but if there are conference reports that are ready to go, I think it is important that we are here to get our work done.

So it seems like it would make sense for Members not to make plans for Friday that they are unable to get out of.

We will see what happens as of next week.

Mr. SANDLIN. Mr. Speaker, is there an idea about what time we might know tomorrow about the upcoming week's schedule so that our Members can make their scheduling for airplanes or other modes of transportation and deal with their families and events at home?

Mr. PORTMAN. Mr. Speaker, I am advised by the majority leader's office that it will be available as soon as possible tomorrow, which, in House terminology, probably means tomorrow afternoon or evening. It is going to take a while to make some decisions on some matters that are not entirely in our control, including working with the Senate on how we work through the supplemental. So I would think tomorrow afternoon sometime.

Mr. SANDLIN. Mr. Speaker, in the event that we do meet late next week, during the week would our business that week be consideration of the Iraq supplemental appropriations legislation? And, if so, can Members be assured that we will have a fair process for consideration of that bill, a process that would allow full debate so that Members will have the ability to address all of their concerns of justification and accountability?

Mr. PORTMAN. Mr. Speaker, if the gentleman will further yield, I appreciate the question. And my own sense is that it is very unlikely we would see the supplemental appropriations bill on the floor next week simply because the committee has not yet gone through the hearing process to the extent they would like to. My understanding is they would like to hold additional hearings next week.

In fact, the members of the subcommittee have indicated that they will be going on a trip this weekend, I think, to Iraq to gather further information. So it seems very unlikely it would be before us next week.

In terms of the rule, we have not worked that out yet with the Committee on Rules. I certainly have not talked to the chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), but that is a decision that would be made as we get closer to that vote.

Mr. SANDLIN. Mr. Speaker, reclaiming my time.

Mr. Speaker, we passed a continuing resolution today that will take us through October 31, 2003. Would you anticipate that we would be able to finish all of our legislative work for the year by the end of October?

Mr. PORTMAN. Mr. Speaker, another fair question from the gentleman. I wish we could provide a definitive answer. That is certainly our hope, that by the end of the month of October that we would be completing our legislative business for this session of this Congress. But it would depend on our progress with the Senate on a number of these conference reports that we talked about earlier.

Mr. SANDLIN. Mr. Speaker, I appreciate the information from the gentleman. I noticed in the initial remarks that several conference reports were mentioned that would be coming up including FAA and DOD and military construction and energy and water. Certainly, those are important matters. But in looking at that list, I would note that many of those things have not been brought forward yet because we have not been scheduling Friday and Monday.

Secondly, I would note that in that list, from what I am reading, that neither the Medicare prescription drug legislation nor the tax credit legislation is on that list. But could Members be told which one of those two are most likely to come to the floor? Is there a possibility of the Medicare prescription drug legislation coming to the floor and is there a possibility of the child tax credit legislation coming to the floor?

Mr. PORTMAN. Mr. Speaker, if the gentleman would further yield, I would say absolutely. It is our hope that we would have both of those conference reports coming back to the House floor. Certainly they were not excluded from the list because we do not hope to do them, but they were not in the list because it is unlikely we will do them next week. So it will not be something imminent. On both of those conferences, we would hope to come to a resolution.

As the gentleman knows, being on the Committee on Ways and Means, the members of the Committee on Ways and Means on the conference and the members of the Committee on Energy and Commerce are working diligently with regard to the Medicare conference and their staff, even as we talk this afternoon. So we are very hopeful we can resolve both of those and bring them to the floor before completing our work for this session.

Mr. SANDLIN. Mr. Speaker, I appreciate that. So there is certainly the possibility that in addition to the ones that you listed, since we are working extra hours next week and working late through Friday, there is the possibility that Medicare prescription drugs and/or the child tax credit legislation could come up for consideration next week since we do have additional time next week?

Mr. PORTMAN. Mr. Speaker, my colleague from Texas knows some of the complexities of some of these issues and knows the progress we have made, but also the ground we have yet to cover. So I think it is unlikely, from my point of view, it is unlikely we will see it next week. But I think it is very likely that we will make significant progress in the next two weeks, particularly if we are here for a considerable amount of time the week of October 6, 2003, to be able to make progress on these conference reports. Even in the absence of the Senate being in session, we can still work on conference reports.

So our hope is to continue to push with regard to all of the conferences. We named a number of them earlier. We hope to have them come to the floor over the next several weeks as we complete our work.

Mr. SANDLIN. Certainly we hope since we are working a little bit later, we can consider Medicare prescription drug legislation and the child tax credit. That is, of course, very important.

Does the gentleman expect that we could move forward and go to conference on the Labor-HHS-Education bill sometime next week? Since we do have additional time, would that be a priority?

Mr. PORTMAN. It certainly would be a priority. It is my understanding that the Senate formally requested a conference just last night on what is the second largest now of our 13 appropriations bills. It is certainly a very important bill for us to be able to complete on an independent basis and that is our goal. We cannot commit to a day next week when we would consider a motion to go to conference, but I think it is very likely it could happen next week.

Mr. SANDLIN. The House earlier today was supposed to consider a rule to send the FAA conference report back to conference. When the conferees reconvene, would the gentleman expect them to work in a truly cooperative manner and accept the will of both Houses of Congress with regard to halting the privatization of air traffic control towers as has been debated here on the floor?

Mr. PORTMAN. It is our understanding that Members of that conference from both sides of the aisle and both sides of the Capitol have indicated that a couple of relatively small changes are necessary to get that bill into position where both the House and the Senate can pass the conference report. That is what we are working toward. Those grant programs administered by FAA expire, as the gentleman knows, at the end of the month. I know that the chairman of the Committee on Transportation and Infrastructure and so many other Members in this Chamber would like to get this bill to the President for signature as soon as possible.

Mr. SANDLIN. Mr. Speaker, I thank the gentleman from Ohio for his information and cooperation today and would ask that the gentleman and/or the leadership of the majority let us know just as quickly as possible tomorrow about the scheduling, so that our Members can make their scheduling for their transportation, and also let us know if there is any possibility of the Medicare prescription drug bill or tax credit bill or FAA bill or any of that coming up next week.

ADJOURNMENT TO MONDAY, SEPTEMBER 29, 2003; AND ADJOURNMENT FROM MONDAY, SEPTEMBER 29, 2003 TO TUESDAY, SEPTEMBER 30, 2003

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at noon on Monday next; and further, that when the House adjourns on that day, it adjourn to meet at 12:30 p.m. on Tuesday, September 30, for morning hour debates.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Ohio?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. PORTMAN. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. SANDLIN. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SANDLIN moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

Mr. SANDLIN (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from Texas (Mr. SANDLIN) and the gentleman from Michigan (Mr. CAMP) each will control 30 minutes.

The Chair recognizes the gentleman from Texas (Mr. SANDLIN).

Mr. SANDLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the way this bill currently stands is nothing more than a

misrepresentation and a bait and switch. The leadership has used smoke and mirrors to trick our seniors into thinking that they are getting a Medicare prescription drug plan and into thinking that our hospitals will be adequately reimbursed while, in reality, we are forcing our seniors to seek medication from private insurance companies and HMOs that will set the price and set the benefits and we are taking money away from our hospitals.

Mr. Speaker, I rise to offer this motion to instruct the conferees on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003 and ask to remember our Nation's 9.3 million rural Medicare beneficiaries as they continue their critical deliberations. The legislation that I speak of today, as I mentioned, is much more than simply a drug bill, it is a testament to our commitment to quality-of-life issues for our Nation's seniors in our communities. Modern health care today requires a comprehensive system that depends on access to needed prescription drugs, certainly. It depends on physician care and hospital treatment. All of those needs must be addressed. When access is denied, treatment fails and people suffer. As H.R. 1 stands today, our rural communities all across Texas and all across the Nation will suffer.

Everyone here knows that our Nation's rural hospitals are desperately in need of assistance. Over the past 25 years, Mr. Speaker, more than 470 hospitals across America have closed. That is unacceptable. That impacts primarily rural America. This is very devastating for rural citizens. Due to the fact that rural seniors have a lack of access to preventive care, that causes them to have higher incidences of chronic illnesses like heart disease, arthritis and things of that nature. Medicare is a significant source of payment for rural health care providers because of the higher proportion of seniors in rural areas. We must provide the strongest reimbursement aid possible by taking the best of the House and the best of the Senate bills. The House bill's rural assistance provisions contradict each other by offering funding through one avenue and slashing it through the market basket. This measure, as proposed by the House, denies hospitals \$12 billion of desperately needed assistance, nearly \$9 billion of which would go to rural hospitals, the hospitals with the most challenge. In my home State of Texas, over \$420 million will be lost. That is all in the name of fiscal responsibility. That is a false savings, Mr. Speaker, and it is a savings that endangers the lives of Americans, especially in rural America. This cost-saving measure certainly will not save hospitals but it will cost them and their patients dearly.

□ 1315

How much do we as a Congress expect our hospitals to endure? Our rural hospitals are barely scraping by on what

Medicare and Medicaid already paid. In the name of patient safety, we ordered them to comply with Federal mandate after Federal mandate from EMTALA to HIPPA but then failed to grant the funding to ensure quality of care is provided. Let me tell the Members here no one will expect care to be provided if these hospitals close. It just will not be availability, and with that elimination of care will follow a massive elimination of jobs critical to our local economies and endangering our local families.

Rural seniors in hospitals are getting a raw deal here, Mr. Speaker. We all know that. They are not looking for anything extra. They are just looking for something equitable, something fair. Join with me and do at least that much today for our hospitals, for our doctors, and for our rural patients in rural communities.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

The Sandlin motion to instruct conferees is essentially the same as the last two motions to instruct that have been defeated by the House of Representatives. This motion, like the others, asks us to accept the Senate's position of a government-run prescription delivery drug system and structure. It would provide unprecedented and unnecessary inflationary increases to providers and would undo the bicameral decisions that the conferees have already resolved. Roughly a third of the bill in question, H.R. 1, has been resolved by the Medicare conference. This motion would reopen those issues that have already been resolved in a bipartisan, bicameral fashion. This is the third Congress that has attempted to enact a prescription drug benefit in Medicare, and this motion would ensure that a prescription drug Medicare bill never reaches the President's desk; and I urge a defeat of this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I appreciate the gentleman's comments. I yield such time as he may consume to the gentleman from Texas (Mr. LAMPSON).

Mr. LAMPSON. Mr. Speaker, I thank the gentleman from Texas for yielding me this time.

It is nice to be able to join on an issue as important as this and one that does not deal with redistricting in Texas.

I do rise today in support of the Sandlin motion to instruct on Medicare prescription drugs. This motion carries with it the efficacy of protecting seniors and health care providers in rural areas. It was not too many years before I came up here to Congress that I was serving on a board called the Area Agency on Aging. It was a board where we spent a great deal of our effort with senior citizens and the needs that they had. Ultimately, they selected me to be a dele-

gate to the 1995 White House Conference on Aging, and the goals that came from that meeting of several thousand people gathered across the country had to do with allowing seniors to live in independence and dignity, to make sure they continued to have access to the programs that made such a significant difference in their lives, Medicare and Social Security. Since Medicare was enacted in 1965, it has truly provided health care security to millions of America's seniors and people with disabilities.

Medicare is the binding commitment of a society to our most vulnerable citizens and a commitment that America must always keep. One segment of society that is neglected time and time again in Washington is seniors living in rural communities, and I come here today to tell the conferees that we have a real commitment to rural seniors.

Mr. Speaker, I represent a fairly diverse district. It consists both of urban and rural areas, and therefore I have witnessed the degradation of care for my constituents living in these rural years. This Congress has a responsibility to represent all people throughout the country and to provide guaranteed prescription coverage through a Medicare fallback option in areas where private drug plans are not available. We must ensure that cuts in payments to hospitals that were included in the majority-offered House bill which adversely affect hospitals in rural areas are not included in the conference report. These cuts will serve to further undermine the ability of rural hospitals and health care providers to ensure that adequate coverage is offered in rural areas.

I cannot in good conscience allow this House to send to the conference committee a bill which would leave our Nation's rural areas in continued peril. I have pledged with my colleagues to work to provide adequate health care to all Americans; and, frankly, this bill as it currently exists imperils citizens living in rural areas.

HMOs and other private health plans have had a very poor record of serving seniors living in rural areas. Indeed, according to the government's own advisory board, the Medicare Payment Advisory Commission, only 19 percent of rural Medicare beneficiaries have the option of enrolling in a Medicare managed care plan in 2003. How can we as a Congress participate in passing such a broad and affecting piece of legislation without ensuring that the disparity between rural and urban areas is abolished?

So the Sandlin motion to instruct will help to ensure that we do not leave our rural citizens behind. I support this motion to instruct, and I call on my colleagues here to join us and do exactly the same thing.

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, one of the key problems with the House GOP Medicare prescription bill is it fails to meet the needs of the one-fourth of Medicare beneficiaries who live in rural areas. And someone who knows that very well is the gentleman from Texas (Mr. STENHOLM), my good friend and colleague and a real champion of health care, especially out in west Texas, and a very respected Member of the House.

Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from Texas for yielding me this time, and I thank him for bringing again this motion to instruct to the floor of the House.

Some of our colleagues are asking why do this again. Listen carefully to the rationale and the reasons of why we are doing it again. It is critical to rural districts all over the United States. This is a matter of life and death for 27 hospitals in my district. The issue is fairness, and this is the third time that I have had to correct my friends on the other side of the aisle for the red-herring approach that they are talking about. No one is advocating a government-run program unless by that they are suggesting that they are not in favor of continuing Medicare. If they are in favor of letting Medicare go, then they are correct; but I do not think the majority of the House is talking about that.

Certainty we are not. And when they talk about budget issues, make it very clear, we are proposing to live within the budgeted amount of \$400 billion and not one penny more, period. But what we are saying is that when we are looking at rural hospitals in particular, there are some issues that the conferees need to listen to, and yes, one can make the argument this is procedural, and I understand that, but when that conference bill comes back on the floor and we are going to have to vote on this issue, I am asking my colleagues, for example, in Kansas 1, 37 hospitals will lose \$21,682,000; Georgia 11, six hospitals, \$17 million; Texas 19, 18 hospitals, \$39 million; Texas 23, 11 hospitals, \$11 million; Indiana 8, 13 hospitals, \$28 million; North Carolina 8, 12 hospitals, \$43 million; Minnesota 1, 15 hospitals, \$45 million.

I can go on and on on this list. This is money that would not be coming if the conferees come back and say market basket is not applicable. And one can say, yes, this is a cut from a rate of increase; but that is precisely what we are talking about in rural areas. We have been cut and cut and cut to the point we cannot take any more, and we have got to have some rationale and reasoning, some logic, now in saying to rural areas, you must be treated fairly; and that is what the best of both the House and the Senate bill does.

We are arguing about a philosophical direction, and with all due respect, I do not agree with the direction that the majority wish to take the conference,

and I think a majority of this body does not. I really do. That is why we will continue to come on this floor and suggest to our colleagues who continue to vote against this motion to instruct, take a good look, listen to their hospitals back home, listen to what is being proposed and see how they will vote when that conference committee completes its work and brings it back to the floor of the House.

And everyone now I hope understands that the conference is in trouble because we have some irreconcilable forces. It is kind of like the Texas redistricting plan. We have got some folks not willing to give. And when we have that, then we run the risk of doing nothing, and no one wants to come out of this Congress by doing nothing. We have a tremendous need of dealing with the cost of medicine, and there are ways that we can do some great things to reducing the amount of cost of health care to our senior citizens and to others, middle-income America. But pay particular attention, and this is done for the benefit of our colleagues, the conferees having to recognize that we have got to come to an agreement with the Senate or otherwise nothing will happen.

Again, I repeat, this is not a budget issue. We are just saying we have a recommendation to the conferees of how they spend the money. We are not talking about spending any more. And if you believe your hospitals can do with less, continue to vote as you have been voting. Do not instruct the conferees. But you had better start talking to them because if the conferees insist on doing it the way they insist on doing it, we risk the whole bill; and nobody wants to see that done.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Let me just say, Mr. Speaker, that under the Senate approach to the Medicare prescription drug bill, one third of the beneficiaries will be in a full government run fallback plan; and if the government is at risk, the plan will have little incentive to control costs and would simply process claims. And that is why the nonpartisan Congressional Budget Office has estimated that the Senate provisions would lead to higher prices for beneficiaries and taxpayers and result in over \$8 billion in higher costs; and this would, I think, be an unacceptable giveaway. The Congressional Budget Office, CBO, also estimates fewer plans and therefore fewer choices for seniors under the Senate proposal, and that would be because the full-risk plans would be hesitant to compete against the government contractors.

And let me just say that the market basket adjustment is just a part of the picture in terms of what is being done for providers in rural America; and when we add in together the market basket update, the standardized amounts, the labor share, the Medicare disproportionate-share payment, we are seeing increases over current law in

rural areas; and most of those numbers do not include the increases for critical access hospitals which are an important part of health care providing in rural America.

So I would still urge my colleagues to defeat this motion to instruct. We have a good process moving, and let us keep the process going forward.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from the State of Tennessee (Mr. TANNER), a member of the Committee on Ways and Means.

Mr. TANNER. Mr. Speaker, the \$12 billion that CBO says the House bill cuts from hospitals, \$9 billion of that comes from hospitals serving rural communities. As I said the other day when we were talking about this approach, all the medical technology in the world is of no use to me or anyone else if it is not accessible. Over 47 percent of the 134 acute care hospitals in Tennessee are losing money. A lot of these hospitals are in rural areas that simply will not be able to remain open with the market basket reduction, with the way this bill is drafted, and with the demands that are being placed on them. Literally, if one believes that accessibility to medical technology is as important as the technology itself, and I cannot imagine anybody who would argue that it is not, if they cannot get to a doctor or a hospital with a heart attack in time, they are going to die. So it really does not make sense to say this medical technology is important in and of itself. There also has to be this accessibility issue to be addressed, and this bill is not addressing this accessibility issue.

□ 1330

That is why this motion to instruct is important.

But even if you do not believe that accessibility is a real goal that we ought to strive for in America, you have got the equity argument that the gentleman from Texas (Mr. STENHOLM) made. Even if you say we know it may not be fair, but that is just the way it is, what about all of the jobs that are going to be lost, jobs of dedicated medical professionals that want to help people in rural America? They live there voluntarily, they devote their productive years to curing and helping people who are sick, and they go out the window as well when these hospitals close.

I would just implore the House to look at the system of health care delivery in our country and realize that this approach that the majority is taking is shortchanging hospitals, rural hospitals, and, more importantly, sick people all across this country, but particularly in rural areas, and is that the kind of country we want to have? Is that the kind of country we can be proud of? I think not.

Mr. Speaker, I would urge that this motion to instruct be approved whenever we have a vote on it.

Mr. CAMP. Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield such time as he may consume to the gentleman from Arkansas (Mr. ROSS), one of the people that really has a good knowledge in the Congress about the issue of prescription drugs due to the fact that he owns a pharmacy.

Mr. ROSS. Mr. Speaker, I thank the gentleman for yielding me time and for offering up this motion to instruct conferees on the Medicare prescription drug bill.

Mr. Speaker, let me tell you that, as the owner of a small-town family pharmacy, one of the things that I see way too often is seniors who walk through the doors of our pharmacy who cannot afford their medicine or who cannot afford to take it properly.

I live in a small town, a town that lost its hospital back in 1995. Our folks now go 16 miles down the road to the hospital in Hope, Arkansas. Living in a small town, I see so many seniors that end up 16 miles down the road in the hospital running up a \$25,000 or \$50,000 Medicare bill, or requiring \$250,000 worth of kidney dialysis, or having a \$50,000 leg amputation, simply because they cannot afford their medicine or cannot afford to take it properly. This is America, and we can do better than that by our seniors, America's greatest generation.

There has been a lot of talk in Washington about trying to help our seniors with the high cost of prescription drugs, but that is all we have seen and that is all we have gotten, has been a lot of talk.

When I came to Congress in 2001, I thought if there was one issue that would not be partisan, that would not divide us, but, rather, would be a senior issue, this is not about Democrats or Republicans, or at least it ought not be, it ought to be about our seniors, and I thought if there was one issue that could bring us together, it would be to do right by our seniors. But, instead, what we have had offered up by the Republican leadership is a false hope and a false promise, nothing more than Medicare fraud for our seniors.

There are several problems with this so-called Medicare prescription drug bill. Number one, the fund that they want to cut funding for to fund the prescription drug coverage for our seniors, the Republicans want to cut funding to rural hospitals to the tune of \$12 billion. We have lost 470 rural hospitals in America in the last 25 years. As I mentioned earlier, we lost the hospital in my hometown of Prescott, Arkansas, in 1995, and I can tell you that is something I do not wish on anyone. It is wrong to try and fund this Medicare prescription drug benefit by shutting down rural hospitals.

Another problem with the bill is this bill is supposed to be about helping our seniors. The problem is, it is not a seniors' bill, it is a bill that has been written by the big drug manufacturers.

The drug manufacturers have more lobbyists in Washington, D.C., than we

have Members of Congress in the House and Senate combined, and their fingerprints are all over this bill. The Republican leadership had the nerve to put language in this bill that says that the Federal Government shall be prohibited from negotiating with the big drug manufacturers to bring down the high cost of medicine. That is in the bill.

Another problem with the bill is privatizing the Medicare prescription drug benefit. There is a very good reason why they want to do this. You hear about how drugs are cheaper in other countries. They are. It is because America is the only industrialized nation in the world where people go without health insurance. That does not happen anywhere else in the industrialized world.

There 41 million people in America without health insurance today; 8.5 million are children. Who are the rest of them? It is not the folks that do not want to work. If you do not want to work, you get on welfare and you get Medicaid.

We are talking about the people that are trying to do right and stay off welfare, that are working the jobs with no benefits. But in other countries that does not happen. In other countries the government says to the big drug companies, you give us a discount if you want your drug in our country, and they do.

I did a survey, Mr. Speaker, about a year ago, where I compared the price paid by seniors in my Congressional District in Arkansas on the five most commonly used brand name drugs with the price paid by seniors in seven other countries. Guess what? Seniors in my district in Arkansas pay, on average, 110 percent more than seniors pay in these seven other countries.

So the drug manufacturers want to privatize this, because they know if we have 40 million seniors under one plan, we, too, will demand these kinds of discounts and rebates to help offset the costs of the program. So they want to privatize it and have 100 different insurance companies knocking on your momma's door, calling her on the phone, sending her mail, all trying to sell her exactly the same policy.

Finally, the biggest problem with the bill is the benefit itself. There is all this talk in Washington about helping our seniors with the high cost of prescription drugs. What does the plan do?

Well, from day one you have got to pay at least a \$35 monthly premium, although no one can tell us exactly how much it will be. Then you will have a \$250 deductible. Then from \$250 to \$2,000, Medicare will kick in at 80 percent of the cost of its medicine. That part sounds pretty good. But when you get to \$2,000, you have got to continue to pay the \$35 monthly premium. But, guess what? The senior is back being forced to foot the entire bill from \$2,000 up to \$3,500. Pay the premium, but get no help.

If seniors cannot afford the first \$2,000 worth of medicine, tell me, how

in the world they are going to afford the next \$1,500?

When you do the math on this, here is what it comes out to. All this talk boils down to this. On the first \$3,500 worth of medicine that seniors need each year, Medicare is going to help them with \$900 of it. Seniors are still going to get stuck trying to pay \$2,600 of the first \$3,500 worth of medicine. When you take the formula, and you almost need a CPA to figure it out, and you factor in the premium, that is what it amounts to.

Tell me this, \$900 worth of help on a \$3,500 drug bill, I do not know about where you come from, but I can tell you, where I come from, that is not going to help my struggling seniors to choose between their medicine and their groceries and their rent and their light bill.

I am not going to rest until seniors can walk into the pharmacy of their choice, pull out their Medicare card and be treated like they are when they go to the doctor and to the hospital. I will continue to fight, and that is exactly what we are doing in this motion to instruct conferees on the Medicare prescription drug bill. I am going to continue to fight until we get a plan that is voluntary, but guaranteed, and made available to all seniors who have no help today, while protecting those seniors who have help. I want to make sure that this bill that passes this Congress will not shut down another rural hospital.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is the third Congress where we have attempted to pass a prescription drug bill. The bill that is in conference now passed this House with a bipartisan vote. Finally, the other body has acted and also has passed a prescription drug bill. That is why we are in this meeting called a conference, to resolve the differences between the two.

We have made tremendous bipartisan progress in that conference. One-third of the bill, approximately, has been agreed to. This is the third time this motion has been brought to try to divert time and attention away from the progress that has been made in conference.

I think that if we are serious about trying to enact a prescription drug benefit this year, if we are serious about getting a bill to the President's desk, I think it would be important not to support this motion. This would literally stop all of the progress that has been made, not only in a bipartisan way between Republicans and Democrats, but also between the House and Senate. As I say, this has been the third Congress where we are very close. One-third of the bill has been decided, great progress has been made. Let us let that progress continue. Vote no on this motion.

Mr. Speaker, I reserve the balance of my time.



Mr. SANDLIN. Mr. Speaker, I yield 4 minutes to my good friend the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I want to thank my colleague from Texas for yielding me time.

I am here to say you do not have to have a drawl to have this problem in your State. There are 50 States where this is a problem. I was walking across to my office building a minute ago, and I met a reporter from a major newspaper here in the East who said to me, "What is going on in the Medicare conference?" I said, "I do not know. They are talking." So he said, "Well, what do you hear?" I said, "We do not hear anything on the Democratic side. That is why we are out here every day trying to instruct those people."

I went to our Democratic House Member who is on that conference committee and said, "What is going on?" He said, "I do not know. They are not having any meetings where they are discussing anything."

Now, they have been telling us we are going to have this bill. But this morning I was in the gym, and as I came out of the gym, I met one of my Republican colleagues, and I said to him, "What does this drug thing look like? How does it look like it is coming?" He said, "Frankly, I hope it does not pass." I said, "Really? Why?" He said, "Well, when they hang that doughnut hole around our neck in the next election, we are going to be dead."

You just heard my colleague from Arkansas describe the doughnut hole. You have a \$3,500 bill, and you get \$900 in benefit, and you still have to pay a \$35 a month premium. It is a terrible bill, and the House bill is based on the fact that they hope that the insurance companies will put something together.

The reason we need the best of the Senate bill is at least they have a fallback position which would allow the Federal Government to set one up if the private sector cannot.

Now, the other thing my colleague pointed out and that needs to be emphasized, this is so privatized that the House of Representatives said that the United States Government, represented by the Secretary of the Department of Health and Human Services, Tommy Thompson, cannot negotiate lower prices on the basis of what is good for the American people. He is absolutely, by law, prohibited from doing what is best for the American people.

What kind of a plan is that? This is throw the folks into the arms of the drug companies. They must have written every blessed word in it, including that line.

They did not want the Secretary of Health and Human Services to sit down on behalf of 40 million people, because they know what happened to them when the Secretary of Veterans Affairs sat down on behalf of the veterans, 5 million of them, and got a huge discount. They are afraid that Mr.

Thompson will negotiate something for them.

Now, we will hear, I am sure, something is going to pass this Congress, whether it is any good or not will be for the people to decide, because the Republicans know they cannot go home without something. It better be worth something, or else they are going to pay in the next election, because they have been promising, and they have no excuse. They have the Presidency, they have the Senate, they have the House, and if they cannot put a bill out that does what the people need, they need to pay for it at the ballot box. That is what is being set up.

We are instructing them the way to go if they want to do what is best for the American people. But if they want to do what is best for PhRMA and the drug companies, we will continue down this path, and no one will know, until one day a bill pops out here, 1,000 pages, and we vote on it, with nobody knowing what is in it.

□ 1345

That will be wrong, and the payment will come at the ballot box.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the gentleman's comments and the anecdotal nature of them, but I do know that there was a 10 o'clock meeting this morning in Dirksen 215 to brief the staff on the progress that has been made on the Medicare bill and to go over issues and to discuss matters.

But this motion to instruct does not deal with the particulars of the prescription drug benefit, as has been discussed. It really only would provide for a government-run fallback in the plan. And both bills have prescription drug plans that assume some financial risk. The difference is they would ask the government to be the fallback on that, which would really then allow for very little incentive to control costs and would not really be the kind of benefit that would become available to seniors and be effective.

So, again, I would urge a rejection of this motion to instruct on that basis.

Mr. Speaker, I reserve the balance of my time.

Mr. SANDLIN. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. TURNER), ranking member on the Committee on Homeland Security.

Mr. TURNER of Texas. Mr. Speaker, I thank the gentleman from Texas, my colleague, for yielding me this time on what is a very, very important motion to instruct, and one that I would hope would be received favorably by our Republican colleagues, because there are provisions in this motion that I think are important to many of us, particularly those of us who come from rural areas.

When we look at what this bill looked like as it left the House, as my colleagues will recall, it only passed by one vote, and I think it took over an hour to get that one vote after a little

arm-twisting. So this bill clearly was one that did not sail out of this House, and I think that the provisions that are in it are important.

First of all, it is, I think, appropriate in this motion to ask that the very best provisions of both the House and the Senate bill on improving Medicare payments to health care providers in rural areas be in the final conference report, because many of us in rural areas have been hurt by some of the changes and cutbacks in Medicare funding. I have people come into my office all the time from my district who are administrators of hospitals, who tell us that they are having a hard time keeping the doors open and pleading with us to try to provide adequate reimbursement for Medicare services in our rural hospitals.

It is true that since 1998, 57 percent of the hospitals treating Medicare patients in this country have lost money, and that is only the beginning of the story. As we listen to the individual hospitals who come and talk to us, they tell us that they may be closing the doors if we do not do better in terms of Medicare reimbursements. So this is not a partisan issue; this is a bipartisan issue that particularly affects those of us in rural America. At a time when we are being called upon to spend billions of dollars to reconstruct Iraq, we do not need to be closing the doors of hospitals right here in America.

I also think the provision of the motion to reject any cuts that may affect a rural hospital is an appropriate and similarly arguable meritorious provision to have in this motion.

Finally, the guarantee that is in the Senate bill that there is a fallback to a Medicare prescription drug plan if there are not two plans offered by private companies in your area seems to only make common sense. After all, most seniors in this country are happy with Medicare; and they would be well pleased, as I have always been, in advocating a prescription drug benefit under regular Medicare. But because our Republican colleagues have insisted that we have a privatization of Medicare in order to get a prescription drug benefit, it seems only to make common sense that as we enter into that experiment, if that is the direction the Republicans choose to lead us, that we have some protection. After all, it is an experimental venture. In my area we had cutbacks in Medicare offerings by private companies.

So I think this motion should be well received by both sides of the aisle, and I hope it will be adopted.

Mr. CAMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Medicare, of course, with regard to hospitals and providers, reimburses, particularly hospitals, based on a system that on average allows them to make a profit under Medicare. We are advised in Congress by a nonpartisan group of panel experts called MEDPAC, or the Medicare Payment Advisory Commission. And this

bill, as passed the House, follows their recommendation and their advice to Congress, which they made unanimously, that Congress increase payments by 3 percent, which is what this legislation does. We will be spending billions and billions of dollars on Medicare. We are trying to do it in a responsible way that follows the advice of the nonpartisan experts that Congress has looked to in the past to help guide us in these matters.

So again, I would say that there will be a tremendous amount in this legislation for providers, particularly in rural areas. I represent a rural area in Michigan. And just to give Iowa as an example, they will ultimately receive a 5.5 percent increase in Medicare payments above what they would have received under current law. Again, that does not include the increases that they would receive for the 51 critical access hospitals in Iowa. So there will still be, I think, a significant help to make sure that there will be access to health care in rural areas. It is a critical issue, and this legislation provides for that.

Mr. Speaker, I yield back the balance of my time.

Mr. SANDLIN. Mr. Speaker, we have heard today about the problems in this bill. It is important that we stand up for hospitals, for seniors, and for rural America. For too long, America's rural hospitals have received Medicare funding far below the amount paid for the same service to their urban counterparts. Further, Medicare's base payment and DSH payments are less for rural hospitals and include an arbitrary cap. The results are very predictable. There has been an overall Medicare operating margin of negative 2.9 percent, and that has had a terrible impact on rural health care.

Let us stand up for our seniors. Let us stand up for rural hospitals. Let us make sure that we have a prescription drug plan that is guaranteed. We know the cost, we know what it covers, it is available, and that does not have a doughnut hole. Let us work together. I am urging my colleagues to support the motion to instruct conferees, because the instructions in this motion are the very ones that are not being worked out in a bipartisan way or in any way at all by the conference committee.

The SPEAKER pro tempore (Mr. SIMPSON). All time for debate has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Texas (Mr. SANDLIN).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. SANDLIN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. PALLONE. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. PALLONE moves that the manager on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the Columbia disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not later than the second legislative day after adoption of this motion.

Mr. PALLONE (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. Under clause 7 of rule XXII, the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from Washington (Ms. DUNN) each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I offer this motion to instruct conferees on H.R. 1308, the child tax credit bill. My motion makes five specific instructions of the House conferees.

Mr. Speaker, there would be no reason for us to address this issue tonight

had the Republicans not deliberately ignored the well-being of 12 million children in its latest tax law. The omission of a provision that would have extended a \$400 child tax credit to working families making \$10,000 to \$26,000 a year was neither an accident nor an oversight.

The provision, which had not been included in President Bush's initial \$726 billion proposal or the House Republicans' \$550 billion version, was added in the other body by Democratic Senator BLANCHE LINCOLN.

Now, why did this considerably small provision, \$3.5 billion out of a giant \$350 billion tax bill, make the Republicans chopping block? Well, anyone who has followed things around the House over the last couple of years unfortunately knows the answer to that question: this House, the people's House, under the Republican majority, has been turned over to the powerful and the privileged. Week in and week out, the Republican leadership neglects middle- and lower-income Americans.

Mr. Speaker, Republicans have a chance tonight to begin to rectify that image. First, my motion instructs the House conferees to include in the conference report a provision in the Senate bill that provides immediate payments to the 6.5 million working and military families who were initially left out of the Republicans' 2003 tax bill.

Mr. Speaker, House Democrats are fighting to immediately enact the bipartisan Senate-passed bill so we can help the 12 million children that Republicans left behind. Now, I think it is outrageous that it has been more than 3 months since the Senate overwhelmingly passed a measure, 94 to 2, to immediately give an increased child tax credit to the millions of children previously left out. If the House Republicans truly wanted to fix this injustice, they would have immediately approved the Senate measure. My motion simply instructs them to do just that, so that we can be fair to these working families and provide them the same benefits that many other Americans received this summer.

Mr. Speaker, the second part of my motion instructs the conferees to include in the conference report a provision included in the Senate bill that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individual serving in the combat zone. The House Republican bill contains bad news for the children of the 200,000 men and women serving in Iraq or other combat zones. The Republican bill leaves in place current law under which families will face tax increases because combat pay is not counted for purposes of the child tax credit.

Now, let me give an example of what I mean here. Let us take an E-5 Sergeant with 6 years of service and two children who is paid \$29,000 a year. Generally, both of his children would

be entitled to the full \$1,000 tax credit; but if he is over in Iraq for 6 months, his credit would drop to \$450 under the House bill. Now, how can we take a critical benefit away from the family of a soldier who is now over in Iraq risking his life?

Third, Mr. Speaker, the motion instructs the House to include in the conference report all of the other provisions of the Senate bill and not report back a conference report that includes additional tax benefits not offset by other provisions. If my colleagues have noticed, in the Senate bill, the \$3.5 million for the child tax credit addition is fully offset.

House Republicans, I believe, are exploiting the child tax credit provision passed, and even more tax cuts that will saddle our children with mountains of debt. The House Republican bill costs more than \$80 billion, while only \$3.5 billion is needed to make sure that these children and their families are treated fairly; and that is fully offset, as I said, in the Senate bill. I think it is based on a Customs duty or a Customs tax. In other words, it does not add any money at all to the Federal deficit.

Now, the House action is particularly reckless and irresponsible considering the Republicans' tax policies have already produced a record \$400 billion deficit that continues to climb. I think it is almost \$500 billion at this point.

Fourth, Mr. Speaker, to the maximum extent possible within this bill in the conference, the House conferees are instructed to include in the conference report other tax benefits for military personnel, as well as the families of the astronauts who died in the Columbia disaster.

And the fifth section of the motion instructs conferees to, as soon as practicable, after the adoption of this motion, meet in open session with the Senate conferees; and the House conferees should then file a conference report consistent with this motion no later than 2 legislative days from today.

□ 1400

Mr. Speaker, this is the 21st motion to instruct that my Democratic colleagues and I have brought to this House attempting to bring right this wrong. I have personally been here many times to argue this same or a similar motion. How many nights will we Democrats have to come to this floor to fight for the 12 million children of low-income parents who were neglected by the Republicans in their latest tax bill?

I have to say, Mr. Speaker, I am the father of three children, and I received a \$1,200 check, \$400 for each of the three children. It pains me to think, based on my income as a Congressman, that many of my constituents who have one, three, or more children were not able to get that \$400 per child, because they certainly need it a lot more than me.

This neglect on the part of the Republicans has to come to an end this evening. It is simply a question of fairness. How can Republicans say it is fair to give a millionaire a tax break, or a Congressman a tax break, while giving nothing to millions of working families. It is time for the Republican majority to join us in passing this motion to instruct conferees so we can finally resolve this injustice, an injustice that should have been rectified many months ago.

Mr. Speaker, I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in opposition to the motion. The House has considered similar motion on 14 different occasions in the last month. And just as those previously, this motion will deny millions of families the relief we have already proposed by broadening coverage under the child tax credit.

Earlier this year, the House passed House bill 1308, the All American Tax Relief Act. This very important legislation includes increasing the child tax credit through the end of the decade. We all agree on expanding the refundability of the child tax credit. On a bipartisan basis, we want to broaden the child credit's availability to more families. This is one reason why H.R. 1308 not only increased the child credit to \$1,000, but also eliminated the marriage penalty in the child credit. We also agree that those serving this Nation in uniform should receive tax relief, including the increases in the child credit. That is included in House resolution 1308. We differ, however, on how to achieve these goals.

This vote is not about denying a refundable tax credit to certain families. It is about helping more working families get tax relief for a longer period of time. A vote for this Democrat motion would reduce the child credit to 2 years instead of maintaining the credit at \$1,000 and making it permanent over the decade.

Who realistically believes we should allow the credit to revert to \$700 a year in just 2 years?

A vote for this motion would eliminate the possibility of more married couples with children receiving the child credit. A vote for this motion would deny tax relief to members of the Armed Forces. Much of the cost of the House bill goes toward maintaining the child credit at \$1,000 until 2010.

I hope no one will hide behind the rhetoric of deficit reduction. The fact is we should insist on keeping our provisions in the bill.

Mr. Speaker, I do not want to belabor matters that have been exhaustively debated day, after day, after day on the floor on the many occasions that I referenced. I think it is important for folks to realize that all of these provisions are included in House Resolution 1308, that the House of Representatives has passed that piece of legislation, stands behind it and the other provi-

sions included in that legislation, and vote no on this motion.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I listened to my colleague on the other side, and I have heard this so many times now. With respect, the notion that the Republicans have already passed a bill that is much broader belies the fact that they are not willing to move in the conference to do anything. This conference has not even met on this bill. I know this gentlewoman is well-intentioned but she suggests that somehow the House Republicans have passed a better bill, well, what good is a House-passed bill versus a Senate-passed bill in any case, unless there is actually a conference, and there is an effort to try to come together and pass a bill that will go to the President?

There has been absolutely no effort on the part of the House Republicans to meet in conference or to try to come to any kind of an agreement with the other body, so that we would have a bill that is finally passed. And the suggestion that somehow we are going to include all of these other tax measures in additional tax cuts, that is not possible under the circumstances. We know that that will simply increase the deficit. It will cost a lot more. And the reality is if we are going to do anything, the only thing we could possibly do at this point would be to pass the Senate version, and they are not willing to do that.

Mr. Speaker, I yield 4 minutes to the gentleman from Washington (Mr. McDERMOTT).

Mr. McDERMOTT. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE) for yielding me time. And I appreciate his tenacity for bringing this out here for what I think is the 22nd time to make a point. Now, the next few days we are going to work on an \$87 billion bill for Iraq. The President has said we have to give him this money. If we do not give it to him, we are not patriotic. Anybody who wants to quibble about it or ask questions or raise any concerns, is clearly not patriotic and not supporting the troops.

Well, let me tell you something, this child tax credit does not go to a family whose father or mother is serving in Iraq today making \$29,000. Now, my colleague honestly said, a Congressman gets it, a Congressman gets it, but a sergeant serving in Iraq, getting shot at from every corner, his wife is back home someplace at Ft. Hood or whatever taking care of kids, and they do not get it.

Now, I know there are going to be a lot of people out here puffing out their chest and talking about how much they have cared about the troops and how much they care about winning the war and all the rest, they are going to talk about a bill that will have money in it to build schools in Iraq and to put the electric lights on in Iraq and

fix up the water system and the sewage system. But for kids of the soldiers, there is no money.

Now, if that is considered fair by the Republicans, I certainly hope they can explain it to the troops when they come home, how it was that we could spend billions of dollars fixing up Iraq, but we could not give money to the wife or the stay-at-home person who is taking care of some military kids, some money to provide better day care or better child care for them.

It is so unfair on the face of it, I do not know how you can have the gall to stand up here and say that you care. If you do not care about the kids, what are the fathers over there fighting for, or what are the mothers over there fighting for? They are fighting for their children and their future. And you are saying because you do not make enough money, you are not going to get it. If you make enough, like a Congressman, you make whatever we make, you get it. But if you only make \$29,000, I guess you are not worth it or your kids are not worth it.

I do not know how they explain that. It makes no sense in human terms. It may make some budgetary sense when you drive the country \$500 billion in debt in one year, I guess you got to cut somewhere, so let us cut the kids that belong to some sergeant or some lance corporal in the Marines or some chief petty officer in the United States Navy. They do not need it, because we got to buy this other stuff, whatever it is, in Iraq.

That is what is wrong with this bill and has been wrong from the very start. The people at the bottom, who need it most, do not get it. And they knew that when they came out of the Committee on Ways and Means that my distinguished colleague from Washington and I both sit on. They knew it. They knew they were not going to get this money, and they just glossed it over and said, well, we do not have to worry about that. Well, somebody has to worry about the sergeant's kids, and, boy, it better be the United States Congress that does it.

I urge the adoption of the motion.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think it is important to respond to the point of the military families not receiving child credit.

The House-passed bill, H.R. 1308, does not deny the child credit to military families. Military families, including those who are deployed abroad, are already receiving a refundable child tax credit, and they will continue to receive a refundable child credit under the House-passed bill.

The Democrat motion to instruct would only increase the refundable child tax credit to some military families, by allowing them to take into account income that is currently tax free when they compute their refundable credit if they are in a combat zone.

I think it is important to also bring up that in our provision, H.R. 1308, that

we provide additional tax relief for members of the Armed Services including capital gains tax relief on home sales, tax free death gratuity payments, and of course, tax free dependent care assistance which is child care assistance, and that these provisions provide \$806 million of tax relief to people who are members of the Armed Forces over the next 11 years.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the gentleman from Utah (Mr. MATHESON).

Mr. MATHESON. Mr. Speaker, here we are at the end of September, and I find it pretty remarkable we are still talking about this.

I am convinced that most people in this country expect us to come back here and get something done. I really do. When I meet with my constituents back home, there may be this issue that they care about or that issue they care about, but at the end of the day, they are looking for people to come back here and try to get something done.

I supported H.R. 1308, the House passed-bill. I supported that. I also recognize that the United States Senate voted 94 to 2, 94 to 2, to fix this one problem. If we want to talk about the art of what is possible, and to get something done, then we ought to support this motion we are talking about right now.

Let us talk about what is fair. Let us talk about what is right, and let us try to get something done. We are talking about folks in a lower-income situation. This was in the bill when the House and the Senate were first negotiating this tax cut package this last spring. It was taken out, \$3.5 billion, which in the grand scheme of the overall cost of the bill was 1 percent, but it was taken out.

But it is a pretty important \$3.5 billion, pretty important to those families of all those kids. It is really important. It is so important, in fact, that 94 out of 96 senators thought so and voted to fix this problem. What I do not understand is, we come over here to the House of Representatives and this breaks down into a partisan issue. I do not get it. It sure was not partisan in the United States Senate. Everybody, just about everybody other than two, sure felt it was the right thing to do. So I would encourage all of us to take a little bit of a step back from the rhetoric, a little bit of a step back from trying to pursue what may be the ultimate and perfect piece of legislation in some people's eyes.

Let us get away from looking at the art of perfection, and let us look at the art of what is possible. There is no question that if the House of Representatives passes this measure and agrees to go to conference with the Senate to move this package for these kids that are in that income bracket of 10 to \$26,000, that it is going to get done. We can get something done around here.

As I said at the start of my comments, I think that is what people in this country are looking for. They are looking for this Congress to make some progress, get something done. I encourage passage of this motion.

Ms. DUNN. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to point out, again, I listened to what the gentleman said in response to the gentleman from her home State, and it just seems like it is the same pattern, it seems like it is the same pattern every time we bring up this motion where my colleagues on the Republican side of the aisle, and again I am not saying they are not well-intentioned, but they keep talking about the House bill as a sort of panacea because of the fact that it has all these other tax cuts, which I think add up to something like \$80 billion in additional debt that is not paid for.

And my colleague from Utah made a very good point when he said we should be talking not about pie in the sky, but what is possible. And I think that my Republican colleagues know full well that there is absolutely no way that an \$80 billion-deficit-creating bill is going to pass the other body and go to the President.

□ 1415

That is not going to happen. This can be fixed. This problem can be fixed with the addition of simply \$3.5 billion which is in the Senate bill, which is what my motion asks that be enacted, is fully offset I think primarily with some provisions with Customs duties. That is what is possible.

It is not possible to talk about an \$80 billion package, and what is happening essentially is that the Republicans in the House are using this as a ruse. They have no intention of ever passing this \$80 billion bill. If they did, they would have the conference meet, which it has not. It has not met, and I keep saying that over and over again. They are in the majority. The Democrats are in the minority. They control whether or not the conference is going to meet and what kind of a bill is going to pass. Oftentimes they do not even consult with us; but in this case, the conference has not even met.

So what I keep hearing from my colleagues on the other side of the aisle about the House version, as if it is somehow out there and is going to become law or is something they are working on, there is no truth to that whatever.

I just wanted to point out, this is what the Republican leader, the gentleman from Texas (Mr. DELAY), said back in June. He said, "To me it is a little difficult to give tax relief to people who do not pay income tax." There are so many speakers, so many Members on the Republican side that have made it quite clear over and over again that they have no intention of moving

the legislation. Here are some quotes that were made by the gentleman from Texas (Mr. DELAY) June 10: "Ain't going to happen," regarding the Senate-passed child tax credit bill.

The gentleman from California (Mr. THOMAS) says in *The Wall Street Journal* June 13: "There are worse things than the child tax credit bill not happening."

Let us see what else we have here. The gentleman from Missouri (Mr. BLUNT), the conference leader on the Republican side, June 1: "We will let the conference take as long as it takes."

The conference has not even met.

Mr. Speaker, I yield 4 minutes to the gentleman from New Jersey (Mr. HOLT).

Mr. HOLT. Mr. Speaker, I thank my friend and neighbor from New Jersey for highlighting this issue and all the good work he does, and let me just pick up on the last point he was making about whether these child tax credit benefits should go to families that, in the words of some in this Chamber, do not pay taxes.

I would think that it would be embarrassing to the authors of the rule that resulted in this bill that 250,000 children of active duty servicemen and -women would not be eligible for this. We have heard this before, and at risk of repeating some of what the gentleman from New Jersey (Mr. PALLONE) has said, I really want to emphasize this. I mean, the Children's Defense Fund and others point out that hundreds of thousands of children of teachers, nurses, farmers would be left behind.

It really gets at the heart of what these tax cuts are. They are not to stimulate the economy. They are not to inject some fairness in a very complicated tax code. Quite simply, they are to provide some benefits to the upper-income segments of American society in some misguided hope that will trickle down to benefit the families of teachers and nurses and farmers and servicemen and -women. It does not work that way.

178,000 children of farming families, 567,000 children of nurses or hospital orderlies, 337,000 children of teachers are calculated to be left out in this child tax credit. The rationale given by the leaders on the other side of the aisle for preventing these families from receiving the expanded child tax credit was that the total cost of the tax legislation could not exceed \$350 billion over 10 years. Adjustments had to be made. Adjustments had to be made. So these nurses, orderlies, servicemen and -women, farmers, teachers are categorized as adjustments or, more to the point, their children are somehow less worthy and adjusted out of this.

Other tax analysts have noted that the cost of the tax credit provision of what we are talking about here with the gentleman from New Jersey (Mr. PALLONE) and this child tax correction, the cost of this correction is less than

3 percent of the total cost of the dividend and capital gains provisions. It did not take much of an adjustment to fix this, but I guess adjustments had to be made.

At a time when American families are struggling to make ends meet, at a time when if we really want to stimulate the economy we would put money in the hands of people who need it most and, therefore, would spend it the quickest, at a time when families of Reservists and other military personnel are facing financial difficulty, at a time when jobs continue to be lost throughout the country at an alarming rate, what could be more important than helping America's families by putting a few extra dollars in their pockets?

I thank my colleague from the neighboring district in New Jersey for yielding me the time.

Ms. DUNN. Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I wanted to call attention again to the fact that the Republican majority simply does not want to deal with this issue and that is why we have had no conference, and the easiest way to point that out is to make reference to an article in *Roll Call*, the *Hill* newspaper, dated September 10.

At that time, in that article, the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, essentially said that he was not going to work out the differences between the separate House and Senate bills and did not want to be bothered dealing with the issue. The gentleman from California (Mr. THOMAS) was sent a letter from his counterpart in the Senate, Senator GRASSLEY, who is the chairman of the finance committee; and in that letter, Mr. GRASSLEY basically said that he wanted to work out the differences between the two Houses on the bill.

In the *Roll Call* article, Chairman GRASSLEY is quoted as saying, "I suppose I could call a conference meeting but I am not going to do that unless it is going to be productive, and right now it does not look like it would be." Mr. GRASSLEY is saying that because the gentleman from California (Mr. THOMAS) has simply been uncooperative and does not want the conference to meet because he does not want a bill.

My motion tonight instructs both the gentleman from California (Mr. THOMAS) and his colleagues in the House Republican leadership to stop their delaying tactics and to finally sit down with Chairman GRASSLEY. If we look at the motion, it actually calls for certain actions to take place with regard to the conference.

Mr. Speaker, my Democratic colleagues and I are clearly not the only ones frustrated. Chairman GRASSLEY expressed his frustration again in that *Roll Call* article when he stated, "The Democrats will not let it be dead and I

do not blame them. If I was them and the majority party was not doing something about it, I would certainly make an issue of it, too."

So again, Mr. Speaker, I do not know how many times we are supposed to come down here on the floor and keep making the point that this is not only an important matter, but this is a matter that deserves the attention of the Republican leadership, and so far there has been certainly no indication that the Republican leadership seeks to address this. The only time we hear anything from the Republican side is when we make a motion and my colleagues on the other side come down here to oppose it.

Mr. Speaker, I reserve the balance of my time.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON). The Chair would remind Members it is inappropriate to quote communications from Senators in the context of this debate.

Ms. DUNN. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I had not intended to speak on this matter; but as I listened to this debate, I decided to make a few comments.

There is waste in the private sector, just like there is waste in the public sector; but the waste in the private sector pales in comparison to the waste that is in the public sector. So it has been proven all over the world that the more money that can be left in the private sector, in whatever country, the better off everyone is, the better off especially the poor and low-income people are because more jobs are created, the lower prices are; and so all over this world it has been proven that the more money government takes, either legally or illegally or corruptly, that the people who are hurt the most are the poor and working people of that particular country. In every country where we have been able to keep the amount of the GDP that the government takes to a relatively small amount, the better off everyone is, especially the poor and lower-income people.

I am probably one of the least partisan Members of this Congress. I have been here 15 years. I do not think I have ever mentioned the word "Republican" and "Democrat" in any speech that I have ever given, but I mentioned to the gentlewoman from Washington State a while ago an article I read a couple of years ago in the *Atlantic Monthly* magazine, and David Brooks wrote an article, and he compared Montgomery County, Maryland, one of the wealthiest counties in this country, which went 68 percent for Vice President Gore to Franklin County, Pennsylvania, 70 miles to the north which went 68 percent for President Bush. What he said was it is just exactly the opposite of the image the media tries to portray or some of those on the other side who participate in

what I think has actually been described as class warfare.

This author, Mr. Brooks, said that when he went to Franklin County, Pennsylvania, he tried to find a meal that cost more than \$20, he could not. The Cracker Barrel was the most expensive restaurant. He said the death of Dale Earnhart in Franklin County, Pennsylvania, was a big event. In Montgomery County, Maryland, they did not even know who Dale Earnhart was.

What I am saying to my colleague is the most liberal areas in this country are always the wealthiest areas, and if they want to talk about class warfare, let us talk about it. Our party is very much a middle-income, particularly even lower-middle-income party, and the easier people get money the more liberal they are politically. It is just like a kid. If one gives a kid a \$20 bill, it burns a hole in his pocket until he spends it. If he has to go out and earn it, he is a little more careful with the way he spends it; and our party, the Republican Party, we have some people with money but they are almost always people who started with nothing or very little and who made some money.

That is what we are trying to do with these tax cuts. We are trying to give people an opportunity to better themselves, and the people who get the bulk of the tax breaks that we came up with are almost entirely in the middle-income levels of our society. So we get pretty tired of hearing all this class warfare that is going on on the other side, when 9 out of the 10 wealthiest contributors politically in this country are to the Democratic Party. That was in an article in the Roll Call newspaper today. So if they want to play class warfare, we can play it; but we should not have that on this floor.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

Again, I respect my colleague who just spoke, but I just I cannot believe his suggestion that somehow the Democrats are committing class warfare. I mean, it seems to me that what the Republicans have done with regard to this child tax credit is the classic example of class warfare or class discrimination on the side of the wealthy.

I started out this debate by pointing out that I, as a Member of Congress, who makes, I guess, about \$150,000 a year, received a check back in June or July for \$1,200 from my three children, and I am making \$150,000 a year; and at the same time, the person who is making between \$10,000 and \$29,000 or whatever the figure is, does not get the child tax credit because of the Republicans' unwillingness to provide it to them in this massive tax cut bill that they passed.

If it is class warfare, it is class warfare on the Republican side because they want to give the money to wealthy people or certainly higher-income people and not give it to the working person who is making between

\$10 and \$20-some-plus thousand dollars a year. I have no idea how my colleagues can justify that and say somehow that is class warfare unless it is class warfare to help the wealthy on the Republican part.

□ 1430

I have heard again and again, maybe not so much tonight but on other occasions, this idea on the part of the Republicans that we should not give these people that are making between \$10,000 and \$20,000 a year this additional tax credit because they do not pay enough taxes. And again, on the Democratic side, we have made the point that the parents of these children do indeed pay taxes, with 7.65 percent of their earnings going to pay for Social Security and Medicare.

An analysis released earlier this year by The New York Times found that families with pretax incomes of \$20,319 pay more than \$2,800 in total taxes. That is 14 percent of their income. We are talking about working people. We are talking about the very same people that my colleague on the Republican side seems to suggest that he represents or is trying to help. These are not people that are not working or sitting around, these are working people.

Why should I, as a Congressman, or any of my colleagues get the extra \$1,200 and not give it to these people? It is simply unfair. I think the Democrats are simply saying, let us be fair. Let us not discriminate against working people who happen to be at the lower end of the income spectrum.

Mr. Speaker, I reserve the balance of my time.

Ms. DUNN. Mr. Speaker, I yield myself such time as I may consume.

I think it has been an interesting discussion this afternoon. I am glad that we had this discussion. I have listened to what the gentleman from New Jersey has said, and some of it has merit, but some of it, I believe, is a flawed argument.

We have included in our proposal, which passed the House by a vote of 224 to 201 several months ago, H.R. 1308, all the elements of the gentleman's proposal, but our bill is far better and far superior, and that is what has been kept out of this debate.

Our bill increases the child credit to \$1,000 per eligible child through the year 2010. The Democrat bill ensures that the child tax credit stays at the same level only through 2005, and then it reverts back to \$700. Our bill eliminates the marriage penalty in the tax credit. It raises the phase-out threshold for marriage couples. His bill creates a marriage penalty for married couples because it keeps the income levels below what our bill does.

Our bill accelerates the increase in the refundable child tax credit so that the 15 percent rate takes effect in 2003 instead of having to wait until 2005. His bill requires that the rate schedule be phased in and not become 15 percent until 2005.

In sum, Mr. Speaker, we passed a very, very good bill. We passed a bill with some Democrat support. This selecting out of a provision of our bill, which covers a number of very, very important topics, like providing tax relief and enhancing tax fairness for members of the Armed Forces, like suspending the tax-exempt status of designated terrorist organizations, like providing tax relief for astronauts who die on space missions, and like increasing the child tax credit to all people, including the ones he wishes to serve, and doing it far more quickly and for a greater length of time.

And so, Mr. Speaker, I encourage a "no" vote on this motion.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume, and again, while I respect the arguments that my colleague from Washington is making on the Republican side, I really think it is the wrong argument to suggest that their bill includes ours and goes further.

The bottom line, and we have made this point over and over again, the Democrats are being realistic about what can be passed. This initiative began because there was a realization, after the Republican tax package passed, that these 12 million children at a lower income level were left out.

The other body made a valiant effort to say, okay, let us pass a bill that addresses this, that makes sure they get the credit, that their parents get the credit, that spends the \$3.5 billion that is necessary but does not add anything to the deficit by having it fully paid. Now, for the Republicans to come back and say, oh, well, that is all fine, but we will go further and come up with an \$80 billion package that will do a lot more is just a ruse, because they know the other body will never pass this. It is just another budget buster that is not paid for that will never go anywhere.

And the proof of that is that they have absolutely refused to even convene a conference. The chairman of the House Committee on Ways and Means has made it clear he has no intention of ever convening the conference, which is really an outrage.

It is an outrage we are here on the House floor, again this evening, talking about the exclusion of these 12 million children. It is an outrage we are forced to bring up another motion to instruct conferees on an issue that should have been resolved 3 months ago. It is an outrage that the House and Senate Republicans, who took less than a week to reconcile differences between these two giant \$500 billion tax bills, cannot seem to come to an agreement on a much smaller bill to simply expand the tax credit to the parents of children earning between \$10,000 and \$26,000.

It is an outrage that my Republican colleagues seem content to leave Washington, yes, it is another day, we are

leaving for another week without resolving this injustice. And, Mr. Speaker, it is an outrage that President Bush, who last month advised House Republicans to pass this child tax credit legislation and send it to him so he can sign it, now sits silently as congressional Republicans do nothing. I have not heard anything from the President. His silence is an indication of his true intention. A very good indication, I think, that he is not truly looking to pass this legislation either.

And, finally, Mr. Speaker, I think it is outrageous not one Republican on the other side comes down here and talks about this other than when the Democrats bring it up, and they come down to oppose our motion to instruct. I do not know how many times I am going to have to join my Democratic colleagues here on the floor to point out the unfair treatment these hard-working American families received with the passage of the Republican tax bill.

All we are asking for, Mr. Speaker, is fairness. How can Republicans say it is fair to give a millionaire a tax break of more than \$90,000, or a Congressman like myself a tax break, while giving nothing to millions of working families? I do not think we should leave this city until this injustice is corrected, and we will certainly be back again to make the point.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). All time has expired.

Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from New Jersey (Mr. PALLONE).

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. PALLONE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee (Mrs. BLACKBURN) is recognized for 5 minutes.

(Mrs. BLACKBURN addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### RELIGIOUS FREEDOM IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gen-

tleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, what is America if not a Nation that stands up for basic decency and human rights? What is America if it is not a people that speaks out for those who cannot speak out for themselves? And what will America become if we fail to speak out against dictators and despots who oppress and brutalize their own people?

China has for too long been at liberty to detain and torture and intimidate and oppress good men and women for their religious beliefs. As the world's greatest democracy and the symbol of hope for millions, America has a duty and an obligation to speak out for the oppressed people of the world. We fail in our duty if we do nothing.

It was the British philosopher and statesman Edmund Burke who said that Representatives owe you not just their industry but also their judgment. As Representatives and beholders of American ideals, we should speak out on the issue of the persecution of those of faith in China.

The litany of abuses committed by the Government of China toward its own people is long and senseless. I recently held a meeting with a number of groups who have spent years in documenting the numerous abuses committed by the Chinese Government upon the Chinese people. In the coming days, I will be highlighting the plight of different groups of long-suffering Chinese people so that colleagues can better understand the depth of this problem in China. The material I will be submitting today was prepared by the International Religious Freedom Commission, and I hope Members will read it.

As I close, 10 Catholic bishops are in China today under house arrest, and this government, our government, our Congress and the administration, does not act. The Protestant Church is being abused and beaten in China and we have refused to speak out. The Chinese have plundered Tibet, and yet the West is quiet. Muslims are being persecuted in the northwest portion of China, and yet the West speaks out not at all. The Falun Gong are being persecuted almost on a daily basis.

I think this is an opportunity to hear, in their own words, what all of these groups have to tell us in the Congress and us in the United States and us in the West about what is taking place, so that we know we should speak out on their behalf, particularly next year when the Geneva resolution with regard to condemning China on human rights comes up.

Depending on the religious organization in question, the Chinese government provided various justifications to defend its policy of repression. Its action to restrict religious belief and practice, however, go far beyond what is necessary to protect legitimate state interests.

Since 2001, the Communist government has engaged in a persistent campaign of banning some religious groups while insisting on registration for others. Many groups, particularly

Christian house churches, have refused, understandably fearful that providing membership rosters would lead to regular surveillance by party and government agencies.

The government's policy of designating religious or spiritual organizations as "cults" has led to tragic outcomes for millions of religious believers. All too often victims are sentenced to "re-education through labor camps," administered by the notorious Ministry of Public Security, which appears to perpetrate human rights abuses with absolute impunity. Persons adhering to "unacceptable" faiths have been given prison sentences of up to three years without a right to a hearing, without counsel and without judicial determination of their cases.

There are at least 30 million Protestant Christians in China. Mostly, believers belong to independent house churches. Purely on account of their faith, properties belonging to or used by such groups have been confiscated, closed, or destroyed and members have been detained, tortured, and subjected to other forms of government harassment.

In June 2003, 12 members of a house church in Guna Village in Yunnan province were arrested after they sought registration with the local government. On June 6, in response to the government's "invitation" to complete the registration process, the 12 church leaders were arrested for engaging in "feudalistic superstition." Eight of the 12 were immediately sentenced to three years in "re-education through labor" camps, while the other four were indicted and are being held for trial.

In late August 2003, local officials arrested 170 house church Christians in Nanyang county, Henan province after local police reportedly raided the meeting place where the worship service was being conducted. The report indicates that the 14 leaders of the group are currently being held in detention, possibly facing serious charges, while the other members were released after having been fined, fingerprinted, and warned against continuing their activities.

The Chinese Communist state has, since the 1950s, banned the Roman Catholic Church, replacing it with the state-approved Catholic Patriotic Association. Through this state organization, the Communist government has claimed the exclusive right to appoint Chinese bishops. Most Chinese clerics, however, have refused to accept the legitimacy of government appointees. As a result, many Roman Catholic bishops and priests have been harassed, detained, or imprisoned.

According to the Cardinal Kung Foundation, a number of Catholic bishops and priests who refuse to submit to government tutelage remain in prison or in detention and the status of other priests and lay persons remains unknown. As of August 2003, at least 10 Catholic bishops, including Bishop Su Zhimin, whose whereabouts are unknown, are imprisoned, in detention, under house arrests, or under surveillance.

In Tibet, Buddhist monks and nuns serve lengthy sentences for voicing their allegiance to the Dalai Lama. In point of fact, the great majority of Tibetan political prisoners are monks and nuns.

The longest-serving Tibetan political prisoner, Tagna Jigme Zangpo, was granted a medical parole to come to the United States in summer 2002 when he was in the middle of



a 28-year sentence before his "early" release. Ngawang Sandrol, a member of the famous Tibetan "Singing Nuns" who was released last year, had served over 10 years in the infamous Drapchi Prison before her release. According to the Tibet Information Network, the State Department, and the testimony of former Tibetan nuns like Ngawang Sandrol, many of these prisoners have been severely beaten and subjected to other extreme forms of punishment. Some have died in prison.

The Chinese government has denied repeated requests, including from the U.N. High Commissioner for Human Rights, for access to the 12-year-old boy whom the Dalai Lama recognizes as the 11th Panchen Lama. Government officials have stated that he is being "held for his own safety," while at the same time insisting that another boy is the true Panchen Lama.

The Chinese government's official ban on the Falun Gong movement, in 1999, has meant heightened government repression for all religious organizations designated by the government as "cults." According to Falun Gong practitioners, as many as 100,000 of their members have been sent to labor camps without trial. They claim that as many as 700 may have died as a result of police brutality either while in prison or after their release.

In largely Muslim Xinjiang, religious freedom is severely curtailed by the government, which indiscriminately links Muslim religious expression with "separatist" or "terrorist" acts. The indiscriminate repression of the Uighur people is best exemplified by the arrest and imprisonment of Rebiya Kadeer, a prominent Uighur businesswoman and activist, who was arrested in 1999 after she met with a visiting U.S. congressional delegation. Close supervision of all mosques in the region by local Communist Party officials is now commonplace.

China repeatedly engages in severe—systematic, egregious—violations of religious freedom. If our ideals and what America stands for—both at home and abroad—are to mean anything, then we must not shrink from this issue. We must not allow human considerations to come secondary to the pursuit of trade.

We must dare to speak out for those who have no voice.

#### THE SYSTEMATIC CORRUPTION OF THE ALIYEV DYNASTY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I come to the floor this afternoon to address what I consider one of the largest potential factors for destabilization in the entire Caucas' region: The systematic corruption of the Aliyev Dynasty currently ruling Azerbaijan.

I have highlighted the problems with President Heydar Aliyev for years now, but his health has deteriorated recently, and that has put the future of Azerbaijan and the entire Caucas' region in doubt.

In July of this year, President Aliyev suffered what has been described by the Cleveland Medical Center, where he currently resides, as congestive heart

failure. Last month, his son Ilham was appointed as Prime Minister. This would seem only appropriate at first, unless you consider that a recent referendum forced through the electorate changed the line of succession from Speaker of the Parliament to Prime Minister. This was widely criticized at the time by domestic Azerbaijani opposition groups and the international community as a clear way for President Aliyev to set up a dynastic regime. Unfortunately, as President Aliyev has become incapacitated during his treatment, the predictions have come true. His son Ilham is now in direct line to take over the Presidency from his father.

The partnership, Mr. Speaker, of the father and the son is not only limited to the fact that Azerbaijan will be the first monarchy established in the former Soviet Union. A Financial Times article on September 13, 2003, clearly shows that power is not the only object of the Aliyevs' desire. Both were implicated in a court case that was unsealed in New York this week. The actual case had been filed against a Swiss banker by the name of Hans Bodmer. In the indictment, he allegedly conspired to facilitate the participation of foreign citizens in Azerbaijan's privatization process of the state-owned oil company, often referred to by its name, SOCAR, through improper payments made to Azerbaijani officials.

This would most likely not have come to light were it not for the fact that Heydar and Ilham Aliyev had never intended to privatize the oil company in the first place. Instead, they stole over \$100 million in the form of vouchers that were designed to give the purchaser disproportionate influence over the privatization process. All of this was alleged to have happened while Ilham Aliyev was the head of SOCAR, a position his father bestowed on him to apparently prepare him for his job as heir apparent of the country of Azerbaijan.

Mr. Speaker, this is a clear example of this administration's misguided policies when it comes to countries that are oil rich. The day that Ilham ascended to his post and forced the former Prime Minister from office, President Bush sent a letter of congratulations to him. This is clearly not in the interest of democracy that the President of the United States has touted lately in regards to the Middle East. How can this administration have separate distinctions about what is democracy and what is not?

It seems increasingly clear what the answer is. Those countries that have significant resources that are sent to western markets are allowed to be less Democratic than those that do not.

□ 1445

Now, Mr. Speaker, I am also very concerned about what the Aliyev regime plans to do about the resolution of the Nagorno Karabakh conflict.

Heydar Aliyev was tantalizingly close to reaching a settlement with Armenian President Robert Kocharian in Key West in 2001, but those negotiations soon fell apart when Aliyev returned home. Since then, Aliyev and Kocharian have met many times, but resulted in no progress.

The Organization for Cooperation and Security in Europe's Minsk Group, which is charged with moving the two parties towards peaceful settlement, has been increasingly frustrated with the process. Ilham has recently taken a much harder stance on the Karabakh issue than did his father, and this is of great concern to me.

Mr. Speaker, it is clear that the Aliyev family is on their way to establishing the first dynastic regime in the former Soviet Union. Not only is this a concern for the entire Caucas' region but also other leaders in the former Soviet Union that must be watching the United States' reaction to this. The message that is sent is not positive. How can we be supportive of this?

Families in the Middle East that have controlled vast oil revenues have scarred the last century with wars and oppressive regimes. Members of the Bush administration know this better than anyone. The current Secretary of Defense, Donald Rumsfeld, visited Iraq with a delegation in 1988. They met with Saddam Hussein and decided that the stability of his regime and oil revenue was more important than his lust for power, whatever the cost. We are now paying for that tragic mistake with the lives of our Nation's sons and daughters.

It is time for the administration to change its tune on the corrupt and oppressive Aliyev regime. Though stability may be the temporary result of the President's support, the end result could destabilize the entire region.

#### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2658) "An Act making appropriations for the Department of Defense for the fiscal year ending September 30, 2004, and for other purposes."

#### LACK OF DIVERSITY IN COLLEGE AND UNIVERSITY FACULTIES

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to speak on two very different and unrelated topics, Mr. Speaker, but both are certainly of national importance.

First, almost every college and university in this country receives very

large amounts of Federal money through grants, appropriations, or student loan money. Yet, there is in some ways a one-sided brainwashing of students on many campuses today because of the lack of true diversity in college and university faculties.

There is also a lack of true academic freedom because conservative students generally feel they cannot express their true views on papers or in person without being penalized on their grades.

Possibly the group most discriminated against today is conservatives who wish to teach on college campuses. They simply are not welcome, to put it lightly, especially at left-wing colleges like Berkeley, Oberlin, Antioch, and many, many others.

I wish our colleges and universities would make true diversity a major goal and hire a few token conservatives at least. I wish so many college and university faculties were not so intolerant toward conservatives.

I wish the speakers who are invited to speak at graduation ceremonies or major college speaking programs were not 100 to one or more liberal to left-wing.

What has spurred these comments, Mr. Speaker, is an article in the September Atlantic Monthly magazine, certainly not recognized as any conservative-type publication, but this article said, "It is striking that the institutions that talk the most about diversity often practice it the least."

"For example, no group of people sings the diversity anthem more frequently and fervently than administrators at our elite universities. But elite universities are amazingly undiverse in their values, politics and mores. Professors, in particular, are drawn from a rather narrow segment of the population."

"A recent study found that roughly 90 percent of those professors in the arts and sciences who had registered with the political party had registered Democratic. Fifty-seven professors at Brown were found on the voter registration rolls. Of those 54 were Democrats. Of the 42 professors in the English history, sociology and political science departments all were Democrats."

"The results at Harvard, Penn State, Maryland, and the University of California at Santa Barbara, other universities that were in the study were similar to the results at Brown."

This article continues, "What we are looking at here is human nature. People want to be around others who are roughly like themselves. That is called community. It probably would be psychologically difficult for most Brown professors to share an office with someone who was pro-life, a member of the National Rifle Association, or an evangelical Christian."

"It is likely that hiring committees would subtly, even unconsciously, screen out any such people they encountered. Republicans and evangelical

Christians have sensed that they are not welcome at places like Brown or other elite universities so they do not even consider working there. In fact, any registered Republican who contemplates a career in academia these days is both a hero and a fool."

"So, in a semi-self-selective pattern brainy people with generally liberal social mores flow to academia and brainy people with generally conservative mores flow elsewhere."

"The dream of diversity is like the dream of equality. Both are based on ideas we celebrate even as we undermine them daily. On the one hand, the situation is appalling. It is appalling that Americans know so little about one another. It is appalling that many of us are so narrow-minded that we cannot tolerate a few people with ideas significantly different from our own. It is appalling that evangelical Christians are practically absent from entire professions such as academia, the media, and filmmaking. It is appalling that people should be content to cut themselves off from everyone unlike themselves." That is, as I said, quoting from an article in the September issue of the Atlantic Monthly magazine.

#### VULNERABILITY IN FUTURE ELECTRICAL BLACKOUTS

Mr. DUNCAN. Mr. Speaker, the Associated Press reported a few days ago that the fix for the recent blackout in the Northeast ironically may make us even more likely to have such blackouts in the future. The AP story said the proposed improvements "are making the electricity supply vulnerable to a different kind of peril: computer viruses and hackers who could black out substations, cities, or entire States."

Now, I know that everyone is supposed to worship the computer god today, and I know computers can do miraculous things that make our lives better in many ways. But when we decide what to do about the recent blackouts, surely we should not allow love for computers to make us even more vulnerable in the future.

To quote the AP story, it says, "In the past the grid's old electro-mechanical switches and analog technology made it more or less impervious to computer maladies, but now switches and monitoring gear can be upgraded and programmed remotely with software and that requires a vulnerable connection to a computer network. If that network runs on Microsoft Corp. operating systems, which virus-writers favor, or connects to the Internet, the vulnerabilities are increased."

Also, we should not have an electric power grid that is nationwide—even though that has some advantages—because a nationally integrated system also makes us even more vulnerable.

It is ridiculous that we have allowed ourselves to get into a situation where a minor incident in suburban Ohio can black out almost the whole Northeast, and part of Canada, and cause 40 to 50 million people to lose their power.

Bigger is not always better, and smaller, more independent utilities, with free competi-

tion, would make our power both more secure and less expensive.

#### AMERICA FIRST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. DEFAZIO) is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, well, the President has asked the United States Congress in the name of the American people to borrow \$87 billion to continue the actions in Iraq and to rebuild the nation of Iraq. That is going to be paid for by a couple of generations of working Americans, and there are an awful lot of questions about the request by the President.

Now, let us look at some of the details here: \$20.3 billion to rebuild Iraq borrowed by the American people and sent to Iraq, perhaps utilizing some U.S. contractors such as Halliburton. Here are some of the things we are going to pay for: \$20 million for executive job training, a 4-week class at the cost of \$10,000. I have community colleges in my district that would provide that same class for a tiny fraction of that cost whose budgets are underfunded because of the cuts in the Federal Government's spending on education. \$10,000 a person for a 4-week class, send them to my community college. We can house them and educate them for a lot less.

Then we have the \$100 million for the witness protection program. What witnesses? Well, the witnesses that might come forward to tell us something about the nonexistent weapons of mass destruction, among other things. That will be to pay for 100 Iraqi families at \$1 million each. In the United States of America when we put people in the witness protection program, it generally costs \$120,000 per family. So it is going to cost us roughly eight times more per family, but I guess that is because of the high cost of living in Iraq, or the life-style to which they would like to become accustomed. Again, the American people will borrow this money, or the President is asking Congress to borrow it on behalf of the American people.

It is going to cost \$255 per person in Iraq to rebuild the electricity infrastructure. They said we are not just rebuilding the bomb damage; they have this horribly outdated system, and we have to rebuild it.

Mr. Speaker, guess who else has a horribly outdated electricity infrastructure system? The United States of America. Did the President notice that the lights went off in one-third of the country? Also, we had a big blackout in the West a few years ago. Our system is operating on the edge. What is the President proposing here, \$255 will be borrowed for each Iraqi by the American people, sent to Iraq to rebuild their electricity infrastructure, and the President is asking for 71 cents on behalf of every American here in the United States.

It will cost \$45 million to further improve the already fully functioning port of Umm Qasr while the President is proposing zero dollars to dredge ports in my district and elsewhere in the United States because he says we cannot afford it. He is asking to borrow \$45 million and send it to Iraq to further improve their ports, but he cannot find a penny for ports in the Pacific Northwest and other parts of the United States.

It is going to cost \$150 million for a national 911 system in Iraq. Mr. Speaker, is that so they can call the next time a rogue regime uprisings? What does this have to do with the war? The American people are going to borrow \$150 million because the President wants it, send it to Iraq to give them a 911 system.

Job centers, 22 centers, \$350,000 each. If we took the \$20.3 billion the President wants this Congress to borrow and spend on behalf of rebuilding the nation of Iraq, if we matched that dollar per dollar in the United States of America, if we borrowed \$20.3 billion to rebuild the infrastructure system in the United States, we could put 1 million Americans to work in the very near future, in addition to investing in our future, our economic productivity, our ports, our highways, our water systems, our electricity grid.

It is one thing to borrow money to invest in the United States of America; it is another thing to indebt the next two generations of Americans to borrow money to spend rebuilding Iraq. Mr. Wolfowitz told us they can pay for their own reconstruction. I guess that guy made about a \$50 billion mistake that is going to cost the American taxpayers, but he is still held in highest esteem by the Bush administration. He is still working there. He is still pumping out the same mistakes. How many more billions will he cost us before the President demands his resignation. This is outrageous that the American people are being asked to borrow this money. Instead of borrowing money, investing in infrastructure and putting a million Americans to work here, he is proposing more tax cuts. His last tax cut, the dividend tax cut, returned 5 cents on the dollar to the United States economy. If it is spent on infrastructure, we get \$7 for every dollar borrowed.

Mr. Speaker, let us get our priorities straight: America first.

#### REPEAL DEATH GRATUITY TAX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I am back on the floor today to talk about the repeal of the death gratuity tax on the families who have given their loved ones to die for freedom in America.

Mr. Speaker, behind me are the faces of just a few of those who have died in

either Afghanistan or Iraq. In the year 2001, there were 292 families that received a bill from Uncle Sam in the way of a tax because their loved one died in uniform fighting for freedom. In the year 2002, there were 1,007 families that received a bill from Uncle Sam because their loved one died in uniform for freedom.

Already in 2003, it is well over 280 families.

Mr. Speaker, the history on this issue is that prior to 1991 or 1992, there was a \$3,000 death gratuity that was given by the government to the families whose husband or wife or daughter or son died in uniform. It could be in an accident or war situation.

□ 1500

The Congress in the early 1990s increased that from \$3,000 to \$6,000, but what happened is it did not go through the proper committee to take the tax off.

So, Mr. Speaker, I have a bill that is H.R. 693 to repeal this tax; and in fairness to the committee and to both sides, it has been supported by both sides. The committee of jurisdiction, the Committee on Ways and Means, included this language in a larger package to bring tax relief to the military, which was fine with me; but the Senate will not move the legislation. Mr. Speaker, I think it is absolutely unacceptable, deplorable that we do not take this tax off the families who are giving loved ones.

Let me show a photograph of a young boy whose name is Tyler Jordan. This was a shot in a national newspaper that I saw, and I was so touched by it that I wanted to have a copy of it. Tyler's father was a gunnery sergeant named Phillip Jordan. He was killed in Iraq. In the photograph of Tyler, he has an American flag that was taken off his father's coffin under his arms and he is looking at the father's coffin. How tragic that is within itself, but adding to that tragedy is that next year his family is going to get a bill from Uncle Sam, a bill of \$6,000, which is not enough; but we need to take this tax off so that the families who have lost loved ones will not be paying a penalty for giving the loved one who died for freedom and died for this country.

This week I received an e-mail from the father of Sergeant Jacob Frazier, and I want to read this, Mr. Speaker. It says, "Thank you for your support of H.R. 693. Our son, Sergeant Jacob Frazier, was killed in action on March 29, 2003, in Afghanistan. Upon being told we would be taxed on a portion of the \$6,000 benefit, I was shocked and insulted. My son was not married, but I am sure that there are numerous young widows that do not need another complication in their lives. Our country should not add to their burden with additional taxation. Let me know if I can do anything to help you here in Illinois to get this bill passed."

Mr. Speaker, I am going to call on the House leadership, both parties, and

ask the House leadership to please before we leave in November bring up H.R. 693, stand-alone bill. I have got many supporters from the Democratic side and the Republican side. Bring it to the floor, and let us morally do what is right for those families who have given their loved one.

Mr. Speaker, I actually wrote the President of the United States on September 17 and asked him to please use the executive office to contact the leadership in the House and the Senate, both parties, to move this legislation. In the last paragraph I wrote this sentence to the President of the United States: "Given the very little time left in this legislative session, failure to do so will result in more American military families not only giving a loved one for freedom but also suffering the unacceptable indignity of being taxed on that gift."

Mr. Speaker, we do a lot of good things around here and a lot of things we debate. We disagree, both parties and within our own parties. But this is one of those issues that it is simple. It is morally the right thing to do.

Mr. Speaker, I close by asking God to please bless our men and women in uniform and, God, please bless America.

#### QUESTIONS FOR THE BUSH ADMINISTRATION

The SPEAKER pro tempore (Mr. McCOTTER). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, today in my e-mail I got five separate copies of an article that was put in the Atlanta Journal Constitution by a man named Max Cleland. Max Cleland is a Vietnam vet who lost his legs and one arm. He is a triple amputee, was a United States Senator, and in the last campaign they attacked him for being unpatriotic. Max is a hero in my book. The fact that he would raise questions about what the President of the United States is doing in Iraq and Afghanistan did not make him unpatriotic.

We are going to have a bill out here in a few days for \$87 billion, and the same White House is going to attack all of us if we raise any questions. Max's article starts with an erie kind of quote: "The public has been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by steady withholding of information. The Baghdad communiques are belated, insincere, incomplete." These "things have been far worse than we have been told, our administration more bloody and inefficient than the public knows. We are today not far from a disaster." That is a quote from a guy named T.E. Lawrence, Lawrence of Arabia, the Sunday Times of London, August 22, 1920.

The British know what they are into and they know where they have been; and if we take that quote and then ask ourselves what have we been told, we

have been told that the mission has been accomplished. The President went out and said it is all over. There have been 304 people killed in Iraq, 167 of them, more than half, since the mission was accomplished. It was this President on October 14, 2002, who said, "This is a man," meaning Saddam, "that we know has had connections with al Qaeda. This is a man who, in my judgment, would like to use al Qaeda as a forward army." Mr. Rumsfeld followed him right up and said, "Yes, there is a linkage between al Qaeda and Iraq." And Condoleezza Rice, not to be outdone, said, "There have been contacts between senior Iraqi officials and members of al Qaeda going back for actually quite a long time."

And then their story started to unravel. On September 16 of this year, almost 11 months later, the President comes out and says, "I have not seen any indication that would lead me to believe that I could say that Saddam Hussein was involved in the September 11 attacks." Condoleezza Rice jumped up again: "And we never claimed that Saddam Hussein had either . . . direction or control of 9-11. What we've said is that this was someone who supported terrorists, helped them train." And Mr. Bush the next day said, "There is no question that Saddam Hussein had al Qaeda ties. We have no evidence that Saddam Hussein was involved with the September 11 attacks."

The American people have been fed a PR campaign of misinformation from the very start. And while that has been going on, and I will have entered into the RECORD both the speech by Max Cleland and an article from the New York Newsday by Jimmy Breslin dated 23 September, while this has all been going on, our people have been dying.

Some of you have been out to the Vietnam Memorial, and those panels get carved with those names in there. One can go up to Walter Reed Hospital up on Georgia Avenue and see people without arms and legs, just like Senator Cleland. While we keep getting misinformation out of the White House, Ryan Carlock, specialist, 416th Transportation Company, died on September 10; Joe Robsky from Fort Irwin, California, died on September 10; Henry Ybarra from Austin, Texas, died. And they keep dying and they keep dying.

If we ask questions about this \$87 billion, it does not make us unpatriotic. It makes us care about these men and women.

[From the New York Newsday, Sept. 23, 2003]

#### THEY LIED AND MANY SOLDIERS DIED

(By Jimmy Breslin)

George Bush won't mention the names below in today's speech, nor will your glibble news and television people—the Pekinese of the Press.

Therefore we print promptly and thus prominently the names of American soldiers killed in Iraq and reported from Sept. 9 to Sept. 19:

Spc. Ryan G. Carlock, 25, 416th Transportation Co., 260 Quartermaster Battalion (Pe-

troleum Support), Hunter Army Airfield, Ga. Died in attack on truck Sept. 10. Home: Macomb, Ill.

Staff Sgt. Joe Robsky, 31, 759 Ordnance Co., Fort Irwin, Calif. Home is a mobile home park trailer in Elizaville, N.W. Died in Baghdad while trying to defuse a homemade bomb on Sept. 10. He volunteered for this duty because he didn't want children killed by land mines.

Sgt. Henry Ybarra III, 32, D Troop, 6th Squadron, 6th Cavalry. Home: Austin, Texas. Died when truck tire exploded, Sept. 11.

Marine Sgt. Kevin N. Morehead, 33 3rd Battalion, 5th Special Forces Group. Home: Little Rock, Ark. Died of wounds received when raiding enemy forces.

Sgt. 1st Class William M. Bennett, 35, 3rd Battalion, 5th Special Forces Group. Home: Little Rock, Ark. Died of wounds received when raiding enemy forces.

Sgt. Trevor A. Blumberg, 22, 1st Battalion, 504th Parachute Infantry Regiment, 82nd Airborne, Fort Bragg, N.C. Home: Canton, Mich. Died in attack on his vehicle in Baghdad on Sept. 14.

Staff Sgt. Kevin C. Kimberly, 31, 4th Battalion, 27th Field Artillery Regiment, North Creek, N.Y. Killed when his vehicle was hit by rocket-propelled grenade while on patrol in Baghdad Sept. 15.

Spc. Alyssa R. Peterson, 27, 311 Military Intelligence Battalion, 101st Airborne Division, Fort Campbell, Ky. Home: Flagstaff, Ariz. Died of wounds on Sept. 15 at Tel Afar.

Spc. James C. Wright, 27 Fourth Infantry Division, Fort Hood, Texas. Home: Delhi Township, Ohio. Died when vehicle hit by rocket-propelled grenade during ambush near Tikrit on Sept. 18.

George Bush told lies and they died.

First, your government lied to ensure Bush's re-election. Who votes against a president in time of war? And even better, you get oil with the winning election.

So Bush lied to you. Not misstatements. Lies. He and his people threw away their honor and consciences to lie to the people. They had sworn to protect.

The lies of Washington put young men from Seymour, Tenn., and Maspeth, Queens and Palos Hills, Ill., into boxes. And that, dear reader, is quite a lie.

At the start, Bush claimed that Iraq had poison gas and was making nuclear weapons. Soon, they will poison us all and blow us up. His proof was documents forged by elementary-school pupils. Still, Bush used it in his State of the Union speech. Condoleezza Rice said it was only 23 words in a speech. What are you so concerned about?

The 23 words were only about nuclear bombs.

Look now at the lie that George Bush carries into the United Nations today:

We went into Iraq because they were part of the World Trade Center attack.

That's what they told you, and Americans, who honor their government, believed what their government told them. And so did all those young people as they were about to put up their lives in the desert.

On Oct. 14, 2002, Bush said, "This is a man [Saddam] that we know has had connections with al-Qaida. This is a man who, in my judgment, would like to use al-Qaida as a forward army."

Defense Secretary Donald Rumsfeld said, on Sept. 26, 2002, "Yes, there is a linkage between al-Qaida and Iraq."

Condoleezza Rice, the national security adviser, said on Sept. 25, 2002, "There have been contacts between senior Iraqi officials and members of al-Qaida going back for actually quite a long time."

They knew exactly what they were saying and what it would do. It was using a Big Lie in an age of screens and faxes. What did you

think it was, a government telling you the truth? Why should they do that?

At summer's end, suspicions rose. It was time to change the lie before it became a liability. How do you do that? By using the ultimate con: telling the truth.

Here in the world of professional lying is how you use the truth to defuse a lie when it becomes dangerous to keep: Suddenly, Donald Rumsfeld on Sept. 16 announced, "I've not seen any indication that would lead me to believe that I could say that Saddam Hussein was involved in the Sept. 11 attacks."

That same day, Condoleezza Rice jumped up and chirped, "And we have never claimed that Saddam Hussein had either . . . direction or control of 9/11. What we've said is that this was someone who supported terrorists, helped train them."

And then the next day, George Bush said, "There's no question that Saddam Hussein has al-Qaida ties. We have no evidence that Saddam Hussein was involved with the Sept. 11 attacks."

So the three now say that they never said that Hussein was involved in the World Trade Center attack. Look up what we said. We never said it.

Of course they did. Anybody who thinks they didn't is a poor fool. Take a half-word out of a sentence, replace it with a smug smile or chin motion and the meaning is there. Saddam was in on the Trade Center with bin Laden. Of course Bush and his people said it. Then go to the whip, go to the truth.

Only the strong memory is an opponent, and there are few of them. Otherwise, the only thing that can remind people and maybe even inflame them are these dead bodies coming back from Iraq to Heber, Calif. They arrive here in silence. We have no idea of how many wounded are in government hospitals with no arms or legs. You never hear Bush talking about them. He often acts as if subjects like this have nothing to do with him.

[From the Atlanta Journal-Constitution, Sept. 15, 2003]

#### DISASTER IN THE DESERT

(By former Senator Max Cleland, D-Georgia)

"The public had been led into a trap from which it will be hard to escape with dignity and honor. They have been tricked into it by a steady withholding of information," he said. "The Baghdad communiqués are belated, insincere, incomplete. Things have been far worse than we have been told, our administration more bloody and inefficient than the public knows." He added: "We are today not far from a disaster"—T.E. Lawrence, The Sunday Times of London, August 22, 1920.

Let me see if I can get this straight.

The President of the United States decides to go to war against a nation led by a brutal dictator supported by one party rule. That dictator has made war on his neighbors. The President decides this is a threat to the United States. In his campaign for President he gives no indication of wanting to go to war. In fact, he decries the over extension of American military might and says other nations must do more. However, unbenounced to the American public, the President's own Pentagon advisors have already cooked up a plan to go to war. All they are looking for is an excuse.

An element of the U.S. military is under attack. The President, his Secretary of Defense and his advisors sell the idea to Congress and the American people that it is time to go to war. Based on faulty intelligence, cherry-picked information is fed to Congress and the American people. The President goes on national television to explain the case for

war, using as part of the rationale for the war an incident that never happened. The Congress buys the bait hook, line and sinker and passes a resolution giving the President the authority to use "all necessary means" to prosecute the war.

The war is started with an air and ground attack. Initially there is optimism. The President says we are winning. The cocky, self-assured Secretary of Defense says we are winning. As a matter of fact, the Secretary of Defense promises the troops will be home soon.

However, the truth on the ground that the soldiers face in the war is different than the political policy that sent them there. They face increased opposition from a determined enemy. They are surprised by terrorist attacks, suicide bombers, village assassinations, increasing casualties and growing anti-American sentiment. They find themselves bogged down in a guerrilla land war, unable to move forward and unable to disengage because there are no allies in the war to turn the war over to. There is no plan B. There is no exit strategy. Military morale declines. The President's popularity sinks and the American people are increasingly frustrated by the cost of blood and treasure poured into a never-ending war.

Sound familiar? It does to me!

The President was Lyndon Johnson.

Got Ya!

The cocky, self-assured Secretary of Defense was Robert McNamara.

Got ya again!

The Congressional resolution was the Gulf of Tonkin resolution.

You are catching on!

The war was the war that I, John Kerry, Chuck Hagel, John McCain and three and-a-half million other Americans of our generation were caught up in. It was the scene of America's longest war. It was also the locale of the most frustrating outcome of any war this Nation has ever fought.

Unfortunately, the people who drove the engine to get into the war in Iraq never served in Vietnam.

Not the President.

Not the Vice-President.

Not the Secretary of Defense.

Not the Deputy Secretary of Defense.

Too bad. They could have learned some lessons.

First, they could have learned not to underestimate the enemy. The enemy always has one option you cannot control. He always has the option to die. This is especially true if you are dealing with true believers and guerrillas fighting for their version of reality—whether political or religious. They are what Tom Friedman of the New York Times calls the "non-deterables." If those non-deterables are already home in their country, they will be able to wait you out until you go home.

Second, if the enemy adopts a "hit and run" strategy designed to inflict maximum casualties on you, you may win every battle but the battles you fight (as Walter Lippman once said about the Vietnam War), can't win the war.

Third, if you adopt a strategy of not just pre-emptive strike but also pre-emptive war you own the aftermath. You better plan for it. You better have an exit strategy because you cannot stay there indefinitely unless you make it the 51st state. If you do stay an extended period of time, you then become an occupier, not a liberator. That feeds the enemy against you.

Fourth, if you adopt the strategy of pre-emptive war, your intelligence must be not just "damn good," as the President has said it must be "bullet proof," as Secretary Rumsfeld claimed the administration had against Saddam Hussein. Anything short of that saps credibility.

Fifth, if you want to know what is really going on in the war, ask the troops on the ground not the policy makers in Washington. The "ground truth" as the soldiers call it, is always more accurate than the truth expounded through the mouths of those who plan the war and have a political, personal and emotional investment in their policy. They will bend any fact, even intelligence, to their own ends. If the ground truth and the policy truth begin to diverge, "Shock and Awe" will turn into what one officer in Iraq has described as, "Shock and Awe S---!"

Sixth, in a democracy instead of truth being the first casualty in war, it should be the first cause of war. It is the only way the Congress and the American people can cope with getting through it. As credibility is strained, support for the war and support for the troops goes down hill. Continued loss of credibility drains troop morale, the media becomes more suspicious, the public becomes more incredulous and the Congress is reduced to hearings and investigations.

Instead of learning the lessons of Vietnam, where all of the above happened, the President, the Vice-President, the Secretary of Defense and the Deputy Secretary of Defense, have gotten this country into a disaster in the desert. They attacked a country that had not attacked us. They did so on intelligence that was faulty, misrepresented and highly questionable. A key piece of that intelligence was an out-right lie which the White House put into the President's State of the Union speech. These officials have over-extended the American military, including the Guard and the Reserve and expanded the United States Army to the breaking point. A quarter of a million troops are committed to the Iraq war theater, most bogged down in Baghdad. Morale is declining and casualties continue to increase. In addition to the human cost, the funding of the war costs a billion dollars a week adding to the additional burden of an already depressed economy. The President has declared "major combat over" and sent a message to every terrorist, "Bring them on." As a result, he has lost more people in his war than his father did in his and there is no end in sight. Military commanders are left with extended tours of duty for servicemen and women, told long ago they were going home, and keeping American forces on the ground where they have become sitting ducks in a shooting gallery for every terrorist group in the Middle East.

Welcome to Vietnam Mr. President. Sorry you didn't go when you had the chance.

#### SUPPORT H.R. 3156, EXTENDING UNEMPLOYMENT BENEFITS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon (Mr. WU) is recognized for 5 minutes.

Mr. WU. Mr. Speaker, for most of the last 2 years, my home State of Oregon has had the highest unemployment rate in the Nation, and thousands of Oregonians have tried for a year or more to find a job without success.

This coming Saturday, 12,000 unemployed Oregonians will lose all of their unemployment benefits with the expiration of an Oregon unemployment program which provides assistance when Federal unemployment benefits run out. The estimates are that 400 additional Oregonians per week will lose all unemployment benefits starting next week and for every week there-

after. For unemployed Oregonians, it is these benefits that keep their kids in college, prevent the loss of a home, car, or vital health care.

Mr. Speaker, a jobless economic recovery does not help the unemployed. I challenge this Congress to do more to help our jobless Americans. I challenge this Congress to pass H.R. 3156, my bill to extend Federal unemployment benefits by an additional 13 weeks.

#### PROBLEMS WITH THE IMPLEMENTATION OF THE NO CHILD LEFT BEHIND ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. MATHESON) is recognized for 5 minutes.

Mr. MATHESON. Mr. Speaker, I rise today to bring attention to an issue of utmost importance to my home State of Utah and to the rest of this country.

As we are now in the beginning of a new school year, I am very troubled by news from across our State about the implementation of the No Child Left Behind Act. The concepts and ideas behind this Federal education reform legislation remain just as good as they were 2 years ago when, with bipartisan support, Congress enacted the bill at the urging of President Bush. Despite the bill's good intentions, such as improving student achievement, increasing teacher quality, and providing parents with greater options, the legislation implementation has strayed off course.

How bad is it? Under the strictest interpretation of standards, 78 out of the 83 schools in Utah's Jordan School District will be designated as failing schools. In rural Utah it is questionable whether any junior high or high school will be able to meet all of the criteria. This just does not make sense. I have met with teachers, principals, parents, school board members, and superintendents throughout my State, and I know first hand about the good work that is done every day in our schools. Utah's schools face challenges based on large class sizes and low State funding. Now, due to the imposition of a new series of underfunded Federal requirements, they face the possibility of being labeled as "failures."

There are two basic problems with the implementation of the No Child Left Behind Act. First, the act promised significant Federal funding to assist local schools in meeting new requirements. In fact, a strong commitment to fund the No Child Left Behind Act requirements was critical in garnering overwhelming bipartisan support for the legislation. Unfortunately, when it came time to provide the actual funding, Congress fell short by \$9 billion. At a time when State budgets are already tight, Federal requirements to push schools to do more with less set up our schools to fail.

Second, as with any complex law enacted by Congress, the Federal agency responsible for administration develops

specific regulations. And in this case of No Child Left Behind, the U.S. Department of Education has developed a set of regulations based on an extreme interpretation of the legislation. There are many problems with the way No Child Left Behind regulations have evolved, but let us just take a look at two examples.

Acknowledging that quality teaching is critical to student performance, No Child Left Behind calls for teachers to meet competency and training standards for subjects they teach. This sounds reasonable, but any new Utah secondary teacher is required to have a bachelor's degree in the subject that he or she teaches. In rural schools, teachers often must teach multiple subjects.

□ 1515

In the case of foreign language teachers, many Utah teachers are former LDS missionaries with foreign language fluency. Even if these teachers have college minors in the language, they would still not be considered qualified to teach the subject. Special education teachers also teach a variety of subjects every day. Is it reasonable to require multiple college degrees? Clearly, greater flexibility is necessary to pursue teacher quality.

Now, the No Child Left Behind Act also recognized that teacher turnover is a problem, and it directs States to ensure that poor and minority children are not taught by inexperienced teachers at higher rates than other students. Again, this sounds reasonable, but the implementation has proven problematic.

In Utah, anyone with less than 3 years of teaching is considered an inexperienced teacher. The Jordan School District has a low percentage of inexperienced teachers across the whole district, and Midvale Elementary School in that district, they just recently aggressively recruited a dozen new teachers with foreign language skills to meet students' needs. But because they are all new teachers, it drives the school's percentage of inexperienced teachers above the district average, so the school is a failure under this requirement. Again, this just does not make sense.

As a Congressman, I often hear about the unintended consequences of legislation. As someone who supported the No Child Left Behind Act, I am gravely concerned that a lack of funding and an inappropriate set of regulations have brought on many unintended consequences that will harm Utah's schools.

The gap between legislative intent and real world implementation must be addressed. That is why I have cosponsored legislation to suspend No Child Left Behind requirements until Congress fulfills its funding commitments.

I have seen the great work that goes on every day in our schools. Our teachers, our principals, the PTA parents, teacher aides and school district staff work hard for our kids. None of them

would ever want to leave any child behind. They know that the best investment we can make is the investment in our children's education. Congress should do everything we can to help them succeed.

#### THE COST OF IRAQ RECONSTRUCTION

The SPEAKER pro tempore (Mr. MCCOTTER). Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, 140 years or so ago, former President John Quincy Adams came to the House floor and read letters from his constituents about slavery and about the abolitionists because the House actually passed a rule in 1838 saying that Congress could not debate the issue of slavery on the House floor, believe it or not.

Today, we have not really been free; we have not had committee hearings; we have not had floor debate on a lot of the questions about what is happening in Iraq, getting answers from the President and from the administration about the reconstruction, the cost, how the money is being spent; all of that, and I have gotten letters from hundreds of constituents asking for answers to those questions.

But what we have seen, Mr. Speaker, is information from the Bush administration that obfuscates, that deceives, that simply does not tell us.

Deputy Defense Secretary Wolfowitz recently said, "No one that I know of would ever say that this war is cheap."

Well, that is not what the President's people were telling us before the invasion. Budget Director Mitch Daniels said Iraq, back then, before the attack, said Iraq would be "an affordable endeavor that will not require sustained aid."

Now, Jane from Sheffield Lake, Ohio, wrote to me, "We cannot let this enormous deception from the Bush administration continue."

Back several months ago, White House economist Glen Hubbard said the costs of any intervention would be very small.

Edward from Akron in my district wrote, "I believe we were duped by this administration through misleading statements and outright lies."

Larry Lindsey, the President's Chief Economic Adviser, estimated the war in Iraq would cost \$100 billion to \$200 billion, the war and the aftermath and the reconstruction. He was shunned by the administration after saying that. He was later fired because of that.

From Akron Ohio, Susan writes, "Please represent us in Summit County and get to the bottom of these untruths and these lies."

Mr. Speaker, we have seen the President's proposal to spend \$87 billion. That is just this year. That is in addition to the \$65 billion check that Congress and the American people have already written to the President for the

war in Iraq. This \$87 billion details how the President's request allocates \$157 per Iraqi, U.S. taxpayers pay \$157 per Iraqi, for sewage improvements, but in the President's budget there is only \$14 per American for sewage improvement in this country.

The administration, according to the President's request for this \$87 billion, is devoting \$38 per Iraqi for hospitals, but in this country, only \$3.30 per American citizen for hospitals.

The President is seeking almost \$6 billion to rebuild and expand Iraq's electricity generation and distribution system, as millions of Americans are regaining power lost from Hurricane Isabel and as Congress continues, frankly, not very well in this Congress, to deal with the fallout from the August blackout.

The President requests from the \$87 billion, 350 times more money for Iraqis individually; \$255 per Iraqi for electrical power rehabilitation, 71 cents per American for electrical power rehabilitation.

Mr. Speaker, Americans need some answers. How are we going to spend this money? Where has the \$1 billion a week gone now? We need accountability. We need, most importantly, for the President to assure us that our troops will be well-supplied, and that our troops will be safer than they have in the past.

In fact, I received a call just last night from a young man whom I know who was injured in Iraq from my district. He spent 70 days in the hospital. Because of this administration's policy, he owes \$550 back to Bethesda Hospital, back to the government, because the government has charged him, believe it or not, \$8.10 for every day's meal he has eaten in that hospital as an injured soldier in the United States of America, injured in the battlefield in Iraq. Yet, now the administration simply is not telling us how we are going to spend that money, not making the private contractors, many of them friends of the President who are getting literally hundreds of millions of dollars, not disclosing where that money is going, how they are spending it.

I would close, Mr. Speaker, Elizabeth from Akron writes, "The Bush administration's blatant disregard for the ability of the American people to sort through, to discuss and to reach reasonable conclusions on important issues is disturbing. What else aren't they telling us? What other lies are they trying to foist on us? Whether one supported the war or not, the question of the obvious and overwhelming deceptions the administration seems to regard as normal is disturbing."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

(Mr. FILNER addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)



The SPEAKER pro tempore. Under a previous order of the House, the gentleman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

(Ms. NORTON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

#### THE CASE FOR LIFE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 2003, the gentleman from Indiana (Mr. PENCE) is recognized for 60 minutes as the designee of the majority leader.

Mr. PENCE. Mr. Speaker, I rise at the end of a week of activity here on Capitol Hill to do nothing less than to begin a process and an effort that I hope will be a part of the fabric of my career for however long I have the privilege of serving in the United States House of Representatives.

I rise very simply, Mr. Speaker, to make the case for life; to make the arguments, philosophical, intellectual, moral and historical, on this blue and gold carpet, on a regular basis, for the sanctity of human life.

My inspiration, oddly enough, Mr. Speaker, for this series, was just mentioned by the gentleman from Ohio (Mr. BROWN) in his remarks immediately preceding mine. It is almost uncanny to me to have heard it. For my inspiration in rising today on the House floor is none other than a former Member of this body who served as a Member of Congress from 1827 until his death in 1848.

Prior to being a Member of the House of Representatives, John Quincy Adams was President of the United States, and his father President before him. But, remarkably, after one term in Congress, John Quincy Adams felt compelled, Mr. Speaker, to be elected to Congress from the State of Massachusetts and to come to this place. And more than any other purpose, it is clear as one studies his speeches and pronouncements on this floor, that he was a man deeply committed to the abolition of slavery in America.

Just as the gentleman from Ohio (Mr. BROWN) reflected, it is reported that oftentimes on a weekly basis or more throughout the nearly 20 years that John Quincy Adams served as a Member of this Congress, in a Chamber, as you know, Mr. Speaker, just down the hall, the great, grand old man and former President would come, history records, and bring his papers with him and make the moral and the intellectual and the historical and even the Biblical case against slavery in America.

We are even told that some of his colleagues at the time during the course of those two decades actually tried to change the procedural rules of the House, because they thought it rather impolitic to have old Mr. Adams coming down and bringing up that difficult issue again. But he did it, and he did it

well, and he did it without apology. And as I rise today to begin what I hope for however many years I serve in Congress to be a series on the case for life, I am inspired and magnetized by John Quincy Adams.

Now, many may say that John Quincy Adams, who perished, we are told, in the midst of a session of Congress, fell over backwards in his Chair, was carried into a waiting room where he died the next day, some may say that his death in 1848, long before slavery would vanish from this continent, proved that he had failed in his endeavor.

But God works in mysterious ways, Mr. Speaker, and I cannot help but feel to this day that at some time from heaven John Quincy Adams smiled down when he realized that on the back row of the Congress in which he gave those lectures arrived in the year 1847 a tall, lanky man from the State of Illinois who served for one term in Congress, and Abraham Lincoln would later reflect that the speeches on the abolition of slavery that he heard from the great man John Quincy Adams deeply impacted his thinking and his life. And when Abraham Lincoln would then run for the Senate in Illinois and lose, and then be propelled on that same issue to the Presidency, he, no doubt, as is all of our posterity, was in debt to the rantings of that old man.

And here is hoping that my rantings may cast seeds, somewhere, Mr. Speaker, whether in this Chamber or through the means whereby people observe what we do here, that some might reflect on the principles that we share over the course of this series on the case for life and be inspired by it, because it matters.

Despite the fact that ever since *Roe v. Wade* became law in 1973 America has looked across the street to the U.S. Supreme Court to define this business of the rightness and the legality of abortion, and despite the fact that, frankly, even in this Congress we pay scant attention to the issue, it, nevertheless, is a colossal issue about which our Nation must attend, for one reason and one reason only: 1.6 million abortions are performed in the United States each year. Ninety-one percent are performed during the first trimester, twelve or fewer weeks gestation. Nine percent are performed in the second trimester.

Approximately 1.5 million U.S. women with unwanted pregnancies choose abortion every year, and most are under the age of 25 years and unmarried. And as psychologists across America now reflect, post-abortion stress syndrome, which seems to viciously take hold of women at or around the age of menopause, where in many cases women are led into therapy because of a deep sense of remorse about decisions they made decades before, it is a decision that those 1.5 million women make not just for that day, but for many, Mr. Speaker, a decision that colors much of the rest of their life.

Approximately 6 million women in the United States become pregnant every year. About half of those pregnancies are unintended, and 1.5 million elect to terminate them with legal abortion.

□ 1530

Each year, more than 1 million U.S. teenagers become pregnant, and the teen pregnancy rate has moved in the last 30 years to truly startling statistics. Eighty percent of women having abortions are single, 60 percent are white, 35 percent are black, 82 percent of women having abortions are unmarried or separated, and almost half, this is almost incomprehensible to me, but statistics from Planned Parenthood's National Center for Health Statistics suggest that almost half of American women, 43 percent, will have an abortion sometime in their life. Yet, we rarely talk about it here. A procedure of deep physical and emotional and moral and perhaps even spiritual consequences reflected on through the millennia is scarcely talked about in the center of the most powerful government on Earth.

Today I would like to speak, if I may, about a few of the historical aspects of the case for life. Oftentimes, when I am standing before groups of young people, I will say, rather obliquely, that for roughly 3,000 years in Western Civilization, until 1973, it was the unanimous position of medical ethicists throughout Western Civilization that abortion was immoral and unethical. And I am always amazed at the startled look on children's faces. Because, of course, every student that I see in a classroom was born in the post *Roe v. Wade* America where abortion is a settled fact. It is a settled legal reality. But to begin with the realization that for 3 millennia through, if I can use the word, through the gestation of Western Civilization, there was, as Mother Teresa often reflected, that core principle that human life is sacred. Often rejected, even by nations and peoples in the midst of our civilization, nevertheless, the sanctity of human life rises out of the march of our civilization, almost like no other.

We all are familiar with the founding documents of this Nation that speak of certain unalienable rights endowed by our Creator, and among them are life. It is an astounding thing to consider. But what did our Founders think of when they thought of life? They were men who reflected on the ancients; they reflected on history. The Founders of this Nation, some of whom are remembered on the walls and carved in stone throughout this building, were truly learned men. So it is important when we think about a reference to the unalienable right to life, what did our Founders think about when they said life? What did they think of as human life? In the context of our common law and in the context of the history of the ancients or the Middle Ages, or even the early church fathers who so deeply



influenced the Founders of this country, it is a consistent, one after another element of the law in history that argues beyond a doubt that abortion was considered a deep moral offense.

In the *Lex Cornelia* 81 B.C., the Jurist Iulius Paulus applied a text of this law that applied to poisoners and those who dispensed drugs specifically intended to cause abortion, saying that whoever dispenses an abortion pill, regardless of its intention, the law read, set a bad example and was condemned to work in the mines in 81 B.C. One thinks of that story of a young girl who may have had medical complications just last week from having taken the pill RU486 and died. And one thinks of the wisdom of *Lex Cornelia* from 81 B.C., the dispensing of a pill and a poison that causes an abortion and its harm.

Cicero actually placed it beyond doubt that the offense of abortion was a capital offense punishable even by death. In the Persian Empire, criminal abortions were severely punished. And so it goes.

In fact, the Ephesian, Soranos, often described as the greatest ancient gynecologist from whom we obtain the word and the practice of gynecology were, as history records, deeply opposed to Rome's prevailing free abortion practice. Soranos found it necessary to think first of the life of the mother and resorted to an abortion when he thought the life of the mother was in danger, but it was otherwise unacceptable. At the time of Soranos, Greek and Roman law afforded little protection to the unborn until Christianity took root in the Roman Empire, and then it changed. And from that point forward, after the spread of Christianity in the Roman Empire, infanticide and abortion were treated as equally criminal acts, alongside murder.

Throughout the Middle Ages, the severe penalty for abortion remained in force in all countries of Europe well into the Middle Ages, and it was reflected in many of the writings. I think of John Calvin, one of the early church fathers and someone who deeply influenced the development of common law and Christian theological thinking. He said, John Calvin now, "The fetus, though enclosed in the womb of his mother, is already a human being, and it is a monstrous crime to rob it of life which it has not yet begun to enjoy. If it seems more horrible to kill a man in his own house than in a field, because a man's house is his place of most secure refuge, it ought surely to be deemed more atrocious to destroy a fetus in the womb before it has come to light," John Calvin wrote in the commentary in the Book of Exodus.

Truly astonishing words, but not at the time that he wrote them. To think of that time and to think of that context, what John Calvin wrote about, what the ancients embraced was what was common accepted law, and, of course, our own common law was given birth by those historical moorings.

As James S. Cole wrote in an essay entitled "Abortion at Common Law," long before the settlement of the English colonies on this continent, the common law of England, that is, the law recognized as common to all Englishmen, defined abortion as a crime. In accord with the limits of biological knowledge of the day, it was believed that there was no life until what was known as "quickening," when the movements of the baby could be discerned. Abortion was therefore declared by the earliest authorities a lesser crime than criminal homicide until quickening, and then it was a felony after quickening. Much later, in the 1600s, there was some hesitation to prosecute abortions in which a child died in the womb as opposed to those in which the baby was expelled before dying, because of the problems of proving that the act of beating the mother's abdomen or giving her a poison had caused the death of the child. However, there was no doubt that abortion of a woman who was either "quick or great with child" was unlawful.

In colonial America, abortions were prosecuted under the common law. After the Revolution, the new American States adopted the common law of England as the basis of their own law, including common law crimes. Within a generation, the independent States began to outgrow the English common law, and State legislatures increasingly defined crimes in their States. However, common law crimes survived until superseded by legislative enactment.

Although common law prohibitions on abortion were largely replaced over time with legislative enactments through the 19th century, there was never a gap in which the common law had anything other than a prohibition of abortion. Abortion was a crime during the hundreds of years before the founding of this Nation, and it remained a crime in every State at the beginning of our Nation and throughout the 19th century.

Until the advent of *Roe v. Wade* that, it is worth noting, struck down simultaneously those laws promulgated from the common law in all 50 States, abortion was considered a crime, a deep moral offense, and anathema to medical ethicists.

It is altogether appropriate to point out as well as we consider the ancients today, Mr. Speaker, that the Hippocratic Oath itself carved, depending on who you believe of the historians, and doctors will argue the point, but somewhere between 3,000 and 4,000 years ago, the Hippocratic Oath authored by the great physician Hippocrates begins in many versions with the phrase, "First, do no harm," and in its most classic versions will make reference to abortion; that it was altogether and always inappropriate for the healer ever to end human life, either born human life or unborn human life. It is contained in the Hippocratic Oath. It was what it meant to be a doctor, that you heal;

your charge was to heal human beings. And so the bright line, to put it in modern terminology, Mr. Speaker, the eight-lane superhighway in Hippocrates' mind, it seemed to me, was that the doctor does not kill human beings. Doctors do not end human life. And for 4,000 years, the advance of medical ethics, and every doctor in my State of Indiana and every doctor who takes an oath throughout the Western world raises their hand, in many cases, and takes the Hippocratic Oath.

Now, the edited version oftentimes does not include reference to abortion, but it still includes that line, "first, do no harm." And it is why today so many doctors in America refuse as a professional decision to perform abortions. They simply choose not to be a part of it. In fact, there seems to be some evidence in the medical community of a diminishing availability of abortion in America, because men and women that wear the white smocks and the green smocks of physicians are less and less interested in that fundamental compromise of their mission and their ministry as a healer, according to the Hippocratic Oath.

I spoke of the English common law, which specifically forbade abortion. It did, in some cases, as I mentioned, treat it as a felony and, in other cases, treated it as a misdemeanor; but in all cases it was immoral, wrong, and illegal. Blackstone, who wrote, as I learned in law school, the famous Blackstone Commentaries at the founding of the country; it can be accurately observed that a practicing lawyer could literally consider themselves as having an entire legal library if they possessed one book, not counting the Bible, but Blackstone's Commentaries on the Law. It is taught even to this day in the most secular of law schools, and people understand that Blackstone was, for people practicing the law in the colonies and in the States and in the territories, it was the ultimate resource. And Blackstone was clear on abortion, writing in one of his commentaries, "If a woman is quick with child and by poison or otherwise killeth it in her womb, or if anyone beat her whereby the child dieth in her body and she is delivered of a dead child, this, though not murder was, by the ancient law, homicide or manslaughter."

So whatever may have been the exact view taken by common law of any specific offense, in and around 1803, there was no question that abortion was a crime. And yet, in America today, by a judicial decision and by judicial fiat, that has fundamentally changed.

So why does all this matter? As I talked to some colleagues today, they said to me, now, why are you doing that? Is there some legislation coming to the floor that is going to change things in abortion? And I granted the point that ever since *Roe v. Wade*, we, in the people's House, in the Congress, and in the State legislatures of all 50 States have very little to say about this issue.

□ 1545

It comes down to nine men and women in black robes and the Presidents who appoint them. But it seems to me to be altogether fitting that something that so deeply troubles the heart of half of the American people ought to be something that resonates in the heart of our national government.

That is how I see this Chamber, Mr. Speaker. I said it shortly after 9/11 in a speech that I gave on this same floor, that I viewed the House of Representatives as the heart of the American government and that it ought to resonate with the hearts of the American people. When the hearts of the American people are troubled about an issue at home or abroad, this should be a troubled room. When the hearts of the American people are quiet and at rest, this should be a quiet and amicable place.

It may be over-literalizing it, trying to turn the government into some homotropic version of man, but I think it has merit. And the truth is that while there are millions of Americans who embrace the right to choose an abortion, who take to the street to defend it, who take to the polls to support it, there are, by any measure, a growing number of nearly half of this country who are deeply troubled to live in an America where innocent human life is so callously discarded. It was as Meghan Cox Gurdon called it in an article in the *Wall Street Journal* a number of years ago, it is, in my judgment, the mother of all rights.

Meghan Cox Gurdon, and I borrow from her essay now, wrote, "The Roe versus Wade anniversaries make me think of the last scene in *Schindler's List*, the film about Oskar Schindler, the German industrialist who saved a small number of Jews during World War II. The final scene," for those who have seen it, "features actual Schindler survivors with their children and grandchildren line up to place stones on his grave in Israel. What makes the scene so powerful is not just the surprising number of progeny already produced by the Holocaust escapees, but the staggering number of men, women and children who are not there, who never had a chance of life because the Nazis gassed those who would have been their parents and grandparents."

Meghan Gurdon goes on to write compellingly, "When Roe comes up, it has a Schindler-like reverberation in my own family. The fact is, my husband and I, our four children, his three siblings and their combined eight children all owe our lives to the fact that the famous Supreme Court decision did not come until 1973 (and its British equivalent until 1967). For all 17 of us, all descended from two unwanted pregnancies—two pregnancies that produced hasty marriages, some unhappiness, rather more sadness, and even actually two divorces. And I have to say, boy, am I glad that those pregnancies,

dismaying and unexpected as they were, entailing the compromises that they did for those involved, were not tidied up in a clinic so that the young mothers in question could 'get on with their lives.' You, gentle reader, would have been deprived of nothing more than my editorial voice. I and 16 kinsfolk would have been robbed of everything."

It is in every sense, as Meghan Gurdon writes, "the mother of all rights." I think it is why our founders listed life first, that they knew from the spilled blood that had happened on our shores and would happen at the hands of a despotic king. They knew that if a man does not have an unalienable right to life, he has nothing. That if a man or a woman cannot anticipate that government cannot deprive them of their life without due process of law and cannot deprive any human person of their right to life without due process of law, then they are, in the words of John Calvin, like that man in his own home, most grievously offended to have been attacked in what is to be his safest place.

Alexander Hamilton cautioned us against forgetting the ancient parchments, the teachings of ancients, and cautioned those who believed that we could create a society that separated law from moral truth saying, "The sacred rights of mankind are not to be rummaged for among old parchments or musty records. They are written as with a sunbeam in the whole volume of human nature by the hand of the Divinity and can never be erased or obscured by mortal power."

It is a truth, Mr. Speaker, I have tried humbly to advance today for your and my colleagues' ears and for anyone else who is listening and in the weeks and months and, if the Lord wills it, years ahead. I hope from time to time to come to this floor and do likewise. To begin to take a break from the arguments of the day at home and abroad and to take a longer-view perspective on this Nation and on the vitality of its legal and moral traditions. For it seems to me that abortion is the issue of our time.

I used to say to people when I was younger that I thought abortion was the most important moral issue of our time, and I have since abandoned the adjective because I really do believe that as the late Mother Teresa would say often, that it is the defining issue of our age, and on some days, I believe in a hopeful view of the future, that our posterity will look back and say there was a time when America lost her way, but largely because of a broken heart, she came back. She came back to the truth of the ancient, not because she returned to a puritanical society that judged people in their hour of need, but because America again became a broken hearted society that said, we want to be a place where there are no unwanted children. We want to be a society where crisis pregnant centers come to replace entirely

centers where innocent life is destroyed; where women know that there are better choices, not only for their unborn child, but for them than ever the choice of ending that life.

That is my hope and that is my dream that they will look back on this time and they will say, Mr. Speaker, America got off the path, but she reflected on the truths of the ancients. She reflected on the unalienable rights that she had alienated for a while, of life, and liberty and the pursuit of happiness. And by God's grace, she found her way back, to be a compassionate society and a caring society, but a society that once again embraced the unalienable right to life.

#### THE PRESIDENT'S WAR REQUEST AND AMERICA'S FUTURE COURSE

The SPEAKER pro tempore (Mr. BISHOP of Utah). Under the Speaker's announced policy of January 7, 2003, the gentleman from North Carolina (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of North Carolina. Mr. Speaker, the President's request of an \$87 billion supplemental appropriation on top of \$79 billion already appropriated has prompted renewed debate over our military operations in Iraq, our plans for the subsequent reconstruction of that country, and our broader policy objectives in the Middle East.

We must take to a successful conclusion the securing of Iraq, the rebuilding of the country's economy and infrastructure, and the transition to an indigenous democratic government. We must provide our forces in Iraq the resources they need to complete their mission and to enhance their safety and security while they are performing their mission. But the Bush administration must give a full accounting of how we plan to reach these goals, how we are going to meet the costs, and how we are to enlist the necessary international support.

This afternoon, Mr. Speaker, I want to specify certain key questions and expectations that Members of Congress must bring to the consideration of the President's request.

This request is considerably overdue. For far too long the Bush administration refused to estimate the precise costs of the war as it pushed for tax cuts upon tax cuts, mainly benefitting the wealthiest Americans, and as it presided over a 2-year, \$8 trillion fiscal reversal, the largest in our country's history.

But now the bill is coming due, and that stubborn fact, in addition to the critical situation on the ground in Iraq, has forced the President's hand.

That is not to say he has totally come clean. The President's request of \$20 billion for reconstruction covers less than half of the projected costs. And it is bound to increase if his optimistic estimate as to oil revenues and contributions from allies do not materialize. Nor are we ever likely to hear

the President acknowledge that every dime of that \$87 billion is borrowed money, adding to what was already a record Federal deficit.

How much money is \$87 billion? It is three times what we spend each year on major disease research at the National Institutes of Health. It is more than double our entire post-9/11 Homeland Security budget. It amounts to \$3.5 million each week throughout 2004 for each of the 435 congressional districts in our country; \$3.5 million dollars each week for each district. I will leave it to colleagues to calculate what this could mean in terms of covering the uninsured or upgrading our schools or improving roads and mass transit.

So the cost of our Iraqi intervention is immense and we are reminded daily of the human cost as well. American fatalities since the President declared the combat phase concluded now number 158, more than the 139 incurred during active combat. Honest acknowledgment of these costs is essential both to assessing our Nation's course thus far and to charting our course ahead.

As it became more and more evident last winter that nothing was likely to divert the President from the course he had chosen in Iraq, I, like others, took to the House floor to raise questions that the administration had not answered, questions which were basic to any rationale for war:

"What accounting do we have of the costs and risks of military invasion? How are we to secure and maintain the support and engagement of our allies? Can Iraq be disarmed by means that do not divert us from, or otherwise compromise, equally or more urgent anti-terrorist and diplomatic objectives? Do we have a credible plan for rebuilding and governing post-war Iraq? Have we secured the necessary international cooperation ensure that this does not become a perceived U.S. occupation?"

I must say in retrospect that those were legitimate and important questions. In some areas, the administration had no answer or wrong answers, and in others they refused to level with Congress and the American people.

□ 1600

On one of the few instances when Secretary of Defense Donald Rumsfeld addressed the war's costs, he echoed OMB Mitch Daniels with an estimate of "something under \$50 billion." That was in January, and a few weeks later his deputy, Paul Wolfowitz, described Iraq as "a country that can really finance its own reconstruction, and relatively soon." Such statements help us understand the fix we are in in Iraq and the pressure the administration is now facing to give an honest accounting, along with a credible plan, complete with cost and deployment estimates, going forward.

The President's \$87 billion supplemental appropriations request has been accompanied by a return to the United Nations to seek the support, for the post-war reconstruction of Iraq, of the

allies the administration once spurned. This appears to be, as Ron Brownstein of the Los Angeles Times termed it, a case of "reality trumping ideology," based on the realization that under present policies the President does not have the means to achieve his ends in Iraq. But it does not yet amount to the mid-course correction that is called for.

The administration still has a long way to go in presenting to the American people and to our prospective allies a credible plan for securing and rebuilding Iraq. There is no time to spare, as the New York Times editorialized on September 14, "If Mr. Bush does not demonstrate a clear and convincing strategy soon, he may face political pressure to bring home American troops under conditions that would be embarrassing for America and perilous for the Middle East."

In the first place, Mr. Speaker, the President must provide a straightforward account of how the \$79 billion already appropriated has been spent and what the newly requested \$87 billion will buy. Accountability for funds thus far expended; justification for the present request; and an honest estimate of the costs yet to come.

Is the request consistent with our first priority of combatting terrorism in Afghanistan and beyond? Is it based on realistic estimates of funding from oil revenues and from allied contributions? Even if we succeed in enlisting additional allies, that will only partially ease our financial burden. Current plans, for example, are for Poland to lead a multinational force of some 19 countries in the central-southern region of Iraq. But of the estimated \$240 million cost of the operation, Poland is expected to pay no more than \$40 million, with the U.S. covering the rest.

It is critically important, I believe, to focus separately on the portion of the President's of \$87 billion request that is targeted to Afghanistan: \$11 billion for military operations and \$800 million for reconstruction. Those numbers pale in comparison to the Iraq request, and they may not be sufficient. In crucial respects, our Afghan operations offer a contrast to Iraq. Afghanistan was a war of necessity. It was directly related to the 9/11 attacks. It was endorsed and supported almost unanimously by the world community. The NATO alliance has now assumed responsibility for ongoing operations there. Yet the country is largely unsecured outside of Kabul and the top leadership of both the Taliban and al Qaeda is still at large.

Our decision to deal with the Iraqi challenge through a massive military invasion has arguably set back the broader war on terrorism, allowing the Taliban and al Qaeda to regroup. There is no place in the world where it is more important to position U.S. Special Forces than in the Afghanistan-Pakistan border region where Taliban and al Qaeda forces are still operating. Our Special Forces must be fully sup-

ported, and they must not be further diverted until their mission is concluded.

The Afghan reconstruction funding will partially address such critical needs as road and school construction, irrigation projects, and training a self-sustaining Afghan security force. This aid may also help shore up some support for the embattled, pro-Western President of Afghanistan, Hamid Karzai. However, decades of civil war have left the nation without such basic needs as a modern electric power infrastructure, urban sanitation systems, or an advanced medical infrastructure. There is much left to do, and it will take a concerted multinational effort to meet these needs.

The administration must also explain to Congress and the public how the \$87 billion, all of it deficit spending, far beyond the scale of most emergency supplemental appropriations requests, is to be paid for. In particular, is it either fair or fiscally prudent to leave in place, much less to extend, massive tax cuts for those in the highest brackets, tax cuts that have produced unprecedented annual deficits and that mock the very idea of shared sacrifice?

Secondly, the administration must deal with the question of troop strength. The supplemental appropriations request assumes American troops will remain at present levels for at least another year. We in North Carolina have particular reason to recognize the spectacular performance of our men and women in uniform during the combat phase and the valor and commitment they continue to display under trying conditions. Tens of thousands of these troops have been deployed from our State, including National Guard and Reserve units that have been subject to repeated call-ups.

By the same token, however, North Carolinians have been especially attentive to evidence of administration misjudgments as to the troop levels that would be required in post-war Iraq, to extensions in the tours of many units, and to the mismatch between what these troops have been trained for and the security and reconstruction functions that they are being called upon to perform.

Secretary Rumsfeld has offered dubious assurances, despite the continuing level of violence, that no more troops are needed; but the administration has not explained how even the present level of deployment in Iraq can be sustained. Of the Army's 33 active duty combat brigades, 16 are currently assigned to Iraq and five elsewhere overseas. Almost all of the others are needed for rotation purposes, mainly in Iraq, and for emergency standby related to North Korea. As of last week, more than 128,000 Army Guard and Reserve members, or 23 percent of the force, were mobilized in support of operations overseas and in the United States, many on yearlong tours, with thousands more to be deployed or redeployed soon.

Thirdly, what is the administration's plan for securing allied participation and how much relief can this realistically afford relative to American financial and personnel requirements? The tens of thousands of additional troops and the billions of dollars of additional funding that we need in Iraq, as well as our broader antiterrorist and peace-making endeavors in the Middle East, will require intensive diplomatic repair work in the coming weeks. The return of Secretary Powell and of the President to the United Nations is a necessary first step toward the cooperative ties we must forge with allies ranging from Germany and France to India and Turkey and Egypt. At the same time, we must press ahead with the recruitment and training of indigenous Iraqi police and security forces and the transition to Iraqi self-rule.

Finally, we look to the President for a reaffirmation of America's commitment to Middle East peacemaking. After almost 2½ years of ill-advised disengagement from the quest for a fair and enduring settlement between Israel and its neighbors, the President has commendably joined with our "Quartet" partners, the European Union, the United Nations and Russia, to announce the "Road Map" initiative for mutual, step-by-step Israeli-Palestinian accommodations.

Recent weeks have not been auspicious for the Road Map initiative. Hamas suicide bombers have conducted devastating attacks, killing and maiming dozens of Israelis, many of them teenagers and children. The Israeli government has stepped up its targeted assassination of Hamas leaders and members and has tightened its chokehold on the occupied territories.

In fact, the two sides seemed locked in a death grip. Violent deaths since the collapse of the peace process number 858 among Israelis and 2,468 Palestinians. Who would not be moved by the story of two of the victims of the September 9 Jerusalem bombing, Dr. David Applebaum and his daughter Naava, out on an errand the night before what was to be her happy wedding day? Such wrenching stories underscore again and again the urgency of reaching a settlement that ensures security and integrity for Israel and a viable state for the Palestinians. And in the post-9/11 world, Middle East peacemaking has assumed an added dimension. "Suicide bombing is becoming so routine" in Israel/Palestine, Thomas Friedman recently wrote, "that it risks becoming embedded in contemporary culture. America must stop it. A credible peace deal is no longer a U.S. luxury: it is essential to our own homeland security. Otherwise, this suicide madness will spread, and it will be Americans who will have to learn how to live with it."

The simultaneous steps that the Road Map envisions are politically difficult and vulnerable to sabotage. The Israeli government, reluctant to challenge the settlers in any case, is doubly

so when the likely reward is another horrific bombing by Hamas, whose structure of terror remains intact. As for the Palestinians, they feel they are being asked to risk a civil war by taking on militant groups by force without assurances that settlements will actually be removed from Palestinian territory or statehood achieved. That is why American leadership is absolutely essential, to help ensure that both sides in fact comply with the road map and that the process is steadied against the predictable attempts at sabotage by the enemies of peace.

If the process remains stalled and the violence continues, American leaders may need to think outside the Road-Map "box" in terms of putting a peace plan on the table proactively. What is not even thinkable is for our government again to disengage and to let that death grip tighten.

Mr. Speaker, we are at a critical juncture in the war on terrorism and in our Nation's engagement in the Middle East. We must push ahead with the reconstruction and democratization of Afghanistan and Iraq, preventing either a return to tyranny or a collapse into violence that would allow forces deadly to our country's vital interests to take root.

That is what the supplemental appropriations requested by the President must help underwrite, and that is why I expect that most of us in this body are likely in due course to support something close to the requested amount. But while Congress was willing to provide a blank check in the past, it does not seem likely to do so now. We must have an accounting of the administration's strategy going forward, its timetables and objectives, its costs and personnel requirements, how our allies will share in its obligation, and how past mistakes will be corrected or avoided. The committees of the Congress must schedule sufficient hearings to allow administration officials to make their case and to allow Members to question them fully.

The need for mid-course correction raises serious issues, yet unresolved, about the path to war that the President chose. We will no doubt debate these questions for years to come, and we cannot allow them to paralyze us now. But if we are to correct our course and go forward successfully, we must confront the flawed premises and the failed diplomacy that set the terms of the Iraqi invasion. In closing, I want to underscore the importance of one of these pieces of unfinished business, not merely to clear the air but also to clarify what Congress and the American people must demand of this administration or of any administration in the future. I am referring to the intelligence and to the interpretations of intelligence on which the decision to invade Iraq was based.

We are all aware, Mr. Speaker, of the perils of 20/20 hindsight. And on some questions, most notably Iraq's possession of chemical and biological weap-

ons, even hindsight is still unclear. Iraq possessed and used such weapons in the past. Yet after 5 months, no stockpiles have been found. U.S. weapons inspector David Kay is soon expected to make an interim report to Congress on the Iraqi weapons program. By all reports, he will suggest that Saddam may have intended to produce weapons when and if U.N. inspectors left Iraq. However, intent does not constitute an imminent threat. While Mr. Kay has work left to do, he has yet to uncover the threat that we expected.

Regarding Iraq's development of deployable nuclear weapons and the tenuous linkage between al Qaeda and the Iraqi government, we are not simply talking about 20/20 hindsight. We are talking about evidence that Members of this body knew, or should have known, to be shaky as early as the October congressional vote authorizing the use of force and certainly in the winter months leading up to the invasion.

The President and administration officials continue to obfuscate the Iraqi-al Qaeda link, which now may become a self-fulfilling prophecy as Iraq becomes a magnet for terrorist operatives from around the region. As for the claims by the President, the Vice President, and others that Iraq was attempting to reconstitute its nuclear program, we have the testimony of retired foreign service officer Joseph Wilson, who was dispatched to Niger in early 2002 to investigate reported sales of uranium ore to Iraq. "Based on my experience with the administration in the months leading up to the war," Wilson wrote, "I have little choice but to conclude that some of the intelligence related to Iraq's nuclear weapons program was twisted to exaggerate the Iraqi threat."

□ 1615

The House and Senate Permanent Select Committees on Intelligence are currently conducting investigations which we are assured will focus not only on the prewar performance of U.S. intelligence agencies but also on how the White House used intelligence information to make the case for war. These investigations must be thorough and objective, following the facts wherever they lead. We commend these colleagues for the hard work they have done thus far. They know we are counting on them for a conscientious and comprehensive job. If this investigation takes a partisan turn, or if there is any hint of pressure to protect the administration, sentiment may well shift toward an inquiry by an independent commission of the sort the gentleman from California (Mr. WAXMAN) has proposed. We must never conclude, despite the undisputed fact that Saddam Hussein was a blood-soaked tyrant, and that both the Iraqis and the world are better off with him gone—we still must never conclude that the credibility of the reasons that our government gave to the American people

and to our potential allies for going to war do not matter. These reasons, which centered on the grave threat posed by Iraq's weapons program, do matter. If they are found to have been based on fallacious or manipulated evidence, the blow to our international credibility and to the integrity of the discourse on which our democracy depends will be profound.

Mr. Speaker, there will be many calls for national unity and resolve as we consider the President's \$87 billion request and contemplate the long, hard road ahead. I will join in those calls, for the challenges confronting our country transcend political divisions and the differences we have had in the past. But the administration needs to understand its end of the bargain, for in a democracy, where power is shared between the executive and legislative branches of government, critical decisions must not be taken in an atmosphere of deception or political intimidation or stealth. Going forward, we must hold one another accountable for the clear-eyed development of a strategy in Iraq, Afghanistan, and the Middle East, planning carefully and realistically, dealing truthfully with costs and risks, and working cooperatively with allies who share our values and goals. This is the mid-course correction, indeed the new beginning, that we need to signal and to achieve as we consider the request the President has made of this Congress and of the people we represent.

#### LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. LARSON of Connecticut (at the request of Ms. PELOSI) for today on account of personal reasons.

#### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material):

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. MATHESON, for 5 minutes, today.

Mr. DEFazio, for 5 minutes, today.

Mr. McDERMOTT, for 5 minutes, today.

Mr. WU, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material):

Mrs. BLACKBURN, for 5 minutes, today.

Mr. WOLF, for 5 minutes, today.

Mr. MARIO DIAZ-BALART of Florida, for 5 minutes, September 30.

Ms. GINNY BROWN-WAITE of Florida, for 5 minutes, September 30.

Mr. MORAN of Kansas, for 5 minutes, October 2.

Mr. DUNCAN, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

#### ENROLLED BILLS SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2555. An act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes.

H.R. 2657. An act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2004, and for other purposes.

#### SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 111. An act to direct the Secretary of the Interior to conduct a special resource study to determine the national significance of the Miami Circle site in the State of Florida as well as the suitability and feasibility of its inclusion in the National Park System as part of Biscayne National Park, and for other purposes.

S. 233. An act to direct the Secretary of the Interior to conduct a study of Coltsville in the State of Connecticut for potential inclusion in the National Park System.

S. 278. An act to make certain adjustments to the boundaries of the Mount Naomi Wilderness Area, and for other purposes.

#### ADJOURNMENT

Mr. PRICE of North Carolina. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 19 minutes p.m.), under its previous order, the House adjourned until Monday, September 29, 2003, at noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

4413. A communication from the President of the United States, transmitting FY 2004 budget amendment for International Assistance Program; (H. Doc. No. 108—130); to the Committee on Appropriations and ordered to be printed.

4414. A letter from the Deputy Under Secretary of Defense, Department of Defense, transmitting The Fiscal Year 2002 Defense Environmental Technology Program Annual Report, pursuant to 10 U.S.C. 2706; to the Committee on Armed Services.

4415. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the experience under FY 1999 and 2000 "Pilot Program for Revitalizing the Laboratories and Test and Evaluation Centers of the Department of Defense"; to the Committee on Armed Services.

4416. A letter from the Assistant to the Board, Board of Governors of the Federal Re-

serve System, transmitting the Board's final rule — Truth in Lending [Regulation Z; Docket No. R-1157] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4417. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — National Flood Insurance Program (NFIP); Assistance to Private Sector Property Insurers; Extension of Term of Arrangement (RIN: 1660-AA29) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4418. A letter from the Acting General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Suspension of Community Eligibility [Docket No. FEMA-7815] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

4419. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's final rule — Special Demonstration Programs--Model Demonstrations to Improve the Literacy and Employment Outcomes of Individuals With Disabilities (RIN: 1820-ZA29) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4420. A letter from the Director, Directorate of Construction, OSHA, Department of Labor, transmitting the Department's final rule — Safety Standards for Signs, Signals and Barricades [Docket # S-018] (RIN: 1218-AB88) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

4421. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule — Anorectal Drug Products for Over-the-Counter Human Use [Docket No. 1980N-0050] (RIN: 0910-AA01) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4422. A letter from the Secretary, Department of Health and Human Services, transmitting an interim report entitled "Human Papillomavirus: Surveillance and Prevention Research," pursuant to Public Law 106—554, section 317P.(b)(2) #114 Stat. 2763A—72; to the Committee on Energy and Commerce.

4423. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Office of Nuclear Material Safety and Safeguards Consolidated Decommissioning Guidance; Notice of Availability — received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4424. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Geological and Seismological Characteristics for Siting and Design of Dry Cask Independent Spent Fuel Storage Installations and Monitored Retrievable Storage Installations (RIN: 3150-AG93) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4425. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Combustible Gas Control in Containment (RIN: 3150-AG76) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

4426. A communication from the President of the United States, transmitting a report prepared by the Department of State concerning international agreements other than

treaties entered into by the United States be transmitted to the Congress within a sixty day period after the execution thereof as specified in the Case-Zablocki Act, pursuant to 1 U.S.C. 112b(b); to the Committee on International Relations.

4427. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting a revised copy of the Department's Annual Report on grants streamlining and standardization, pursuant to Public Law 106—107, section 5 (113 Stat. 1488); to the Committee on Government Reform.

4428. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal to provide for review of certain determinations of the Board of Actuaries of the Civil Service Retirement System in accordance with the requirements of the Constitution; to the Committee on Government Reform.

4429. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Endangered and Threatened Wildlife; Sea Turtle Conservation Requirements; Taking of Threatened or Endangered Species Incidental to Commercial Fishing Operations [Docket No. 010820209-1209-01; I.D. 080901A] (RIN: 0648-AP40) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4430. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket No. 010926236-2199-02; I.D. 081202B] (RIN: 0648-AP63) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4431. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting The Administration's final rule — Sea Turtle Conservation; Summer Flounder Trawling Requirements [Docket No. 991007270-2042-02; I.D. 090399E] (RIN: 0648-AM89) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4432. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket 020313057-2278-02; I.D. 031102E] (RIN: 0648-AP91) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4433. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions to Fishing Activities [Docket 020313057-2057-01; I.D. 031102E] (RIN: 0648-AP91) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4434. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Shrimp Trawling Requirements [Docket No. 980331080-0286-03; I.D. 092100A] (RIN: 0648-AK66) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4435. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation; Restrictions Applicable to Fishing and Scientific Research Activities [Docket No. 010607150-1264-02; I.D. 091200F] (RIN: 0648-AN64) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4436. A letter from the Chief, Endangered Species Division, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Sea Turtle Conservation Measures for the Pound Net Fishery in Virginia Waters [Docket No. 020319061-2122-02; I.D. 031402B] (RIN: 0648-AP81) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4437. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — American Lobster Fishery [Docket No. 001120327-1037-02; I.D. 091800H] (RIN: 0648-AO58) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4438. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan; Partial Delay [Docket No. 000105004-0260-02; I.D. 063099A] (RIN: 0648-AI78) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4439. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Shallow-Water Species Fishery by Vessels Using Trawl Gear in the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 091103A] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4440. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 021122286-3036-02; I.D. 090803B] received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

4441. A letter from the Chief Counsel for Technology Administration, Department of Commerce, transmitting the Department's final rule — Licensing of Government Owned Inventions [Docket No. 010111012-1012-01] (RIN: 0692-AA17) received September 16, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

4442. A letter from the Staff Director, United States Commission on Civil Rights, transmitting notification that the U.S. Commission on Civil Rights recently voted to re-charter the Connecticut State Advisory Committee; to the Committee on the Judiciary.

4443. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Rules of Practice—Motions for Revision of Decisions on Grounds of Clear and Unmistakable Error: Advancement on the Docket (RIN: 2900-AJ85) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4444. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Board of Veterans' Appeals: Speeding Appellate Review for Aging Veterans (RIN: 2900-AL08) received September 23, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4445. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — VA Homeless Providers Grant and Per Diem Program (RIN: 2900-AL30) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4446. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Eligibility for an Appropriate Government Marker for a Grave Already Marked at Private Expense (RIN: 2900-AL40) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4447. A letter from the Director, Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Compensation and Pension Provisions of the Veterans Benefits Act of 2002 (RIN: 2900-AL62) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

4448. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Special Depreciation Allowance [TD 9091] (RIN: 1545-BC19) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4449. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rate Update [Notice 2003-63] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4450. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule — Taxation of fringe benefits (Rev. Rul. 2003-89) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4451. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2003-107) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4452. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2003-103) received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4453. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit [Notice 2003-64] received September 24, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4454. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Built-in Gains and Losses under Section 382(h) [Notice 2003-65] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4455. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — The Jobs and Growth Tax Relief Reconciliation Act of 2003—Information Reporting for Payments in Lieu of Dividends [Notice 2003-67] received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4456. A letter from the Acting Chief, Publications and Regulations Branch, Internal

Revenue Service, transmitting the Service's final rule — Determination of Interest Rate (Rev. Rul. 2003-104) received September 17, 2003, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

4457. A letter from the Director, Office of Personnel Management, transmitting a draft of proposed legislation entitled "To eliminate inequities in the compensation of certain Federal employees stationed outside the continental United States, and other purposes"; jointly to the Committees on International Relations and Government Reform.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 2714. A bill to reauthorize the State Justice Institute (Rept. 108-285). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 1829. A bill to amend title 18, United States Code, to require Federal Prison Industries to compete for its contracts minimizing its unfair competition with private sector firms and their non-inmate workers and empowering Federal agencies to get the best value for taxpayers' dollars, to provide a five-year period during which Federal Prison Industries adjusts to obtaining inmate work opportunities through other than its mandatory source status, to enhance inmate access to remedial and vocational opportunities and other rehabilitative opportunities to better prepare inmates for a successful return to society, to authorize alternative inmate work opportunities in support of non-profit organizations, and for other purposes, with an amendment (Rept. 108-286). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. DEMINT:

H.R. 3177. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to preserve and strengthen the Social Security Program through the creation of individual Social Security accounts ensuring full benefits for all workers and their families, giving Americans ownership of their retirement, restoring long-term Social Security solvency, and for other purposes; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. CONYERS, Mrs. CHRISTENSEN, Ms. JACKSON-LEE of Texas, Mr. BELL, Mr. PLATTS, Mr. REYES, Mr. LANTOS, Mr. DAVIS of Illinois, Mr. GREEN of Texas, Mr. KILDEE, Mr. GORDON, Mr. McNULTY, Mr. MCGOVERN, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. WEXLER, Mr. SERRANO, Mr. TOWNS, Mr. BACA, Mr. BECERRA, Mr. CARDOZA, Mr. GONZALEZ, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. MENENDEZ, Mrs. NAPOLITANO, Mr. PASTOR, Mr. ORTIZ, Mr. RODRIGUEZ, Ms. LINDA T. SANCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SOLIS, Ms. VELAZQUEZ, Mr. ABERCROMBIE, Ms. ROYBAL-ALLARD, Mr. ETHERIDGE, Mr. CLAY, Mr. BALLANCE, Ms. SLAUGHTER, Ms. DEGETTE, Mr. MCDERMOTT, Mr. PAYNE, Mr. SAND-

ERS, Mr. FOSSELLA, Ms. WATERS, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NETHERCUTT):

H.R. 3178. A bill to amend the Elementary and Secondary Education Act of 1965 to prohibit interference by certain grant recipients with a student's treatment of his or her diabetes; to the Committee on Education and the Workforce.

By Mr. SENSENBRENNER (for himself and Mr. GOSS):

H.R. 3179. A bill to strengthen anti-terrorism investigative tools and promote information sharing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEORGE MILLER of California (for himself, Ms. PELOSI, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Ms. WOOLSEY, Mr. HINOJOSA, Mrs. MCCARTHY of New York, Mr. TIERNEY, Mr. KUCINICH, Mr. HOLT, Ms. MCCOLLUM, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Mr. VAN HOLLEN, Mr. RYAN of Ohio, Mr. BISHOP of New York, Ms. MAJETTE, Mr. ABERCROMBIE, Mr. SCOTT of Virginia, Mrs. JONES of Ohio, Mr. SERRANO, Mr. FRANK of Massachusetts, Mr. NADLER, Mr. CROWLEY, Ms. MILLENDER-MCDONALD, Mr. BROWN of Ohio, Ms. BALDWIN, Ms. DELAURO, Ms. WATSON, Mr. WEXLER, Mr. ORTIZ, Mr. HOFFFEL, Mr. ALEXANDER, Mr. ISRAEL, Mr. FILNER, Ms. SOLIS, Mr. MARKEY, Ms. NORTON, Mr. FALEOMAVAEGA, Mr. CUMMINGS, Ms. LORETTA SANCHEZ of California, Mr. HONDA, Ms. CARSON of Indiana, Ms. JACKSON-LEE of Texas, Mr. RUPPERSBERGER, Mr. GUTIERREZ, Ms. LINDA T. SANCHEZ of California, and Mr. EMANUEL):

H.R. 3180. A bill to amend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. LATOURETTE (for himself and Ms. NORTON):

H.R. 3181. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to reauthorize the predisaster mitigation program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. CAMP (for himself, Mr. CARDIN, Mr. HERGER, Mr. DELAY, Mr. STARK, Mr. CANTOR, Mr. MCDERMOTT, Mr. ENGLISH, and Mr. MCINNIS):

H.R. 3182. A bill to reauthorize the adoption incentive payments program under part E of title IV of the Social Security Act, and for other purposes; to the Committee on Ways and Means.

By Mr. OXLEY (for himself and Mr. FRANK of Massachusetts):

H.R. 3183. A bill to provide for direct and accurate compensation to financial institutions for providing various critical depository and financial agency services for or on behalf of the United States, and for other purposes; to the Committee on Financial Services.

By Mr. ISTOOK (for himself, Mr. DELAHUNT, Mr. BACHUS, Mr. BALLANCE, Mr. BOOZMAN, Mr. CAPUANO, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. ISAKSON, Mr. LAHOOD, and Mr. STENHOLM):

H.R. 3184. A bill to promote simplification and fairness in the administration and collection of sales and use taxes; to the Committee on the Judiciary.

By Mr. BASS (for himself and Mr. BRADLEY of New Hampshire):

H.R. 3185. A bill to designate the facility of the United States Postal Service located at 38 Spring Street in Nashua, New Hampshire, as the "Hugh Gregg Post Office Building"; to the Committee on Government Reform.

By Mr. CLAY:

H.R. 3186. A bill to establish and maintain geospatial preparedness for the Nation with the National Spatial Data Infrastructure and integrated applications and systems required for homeland security, national defense, electronic government, and for other purposes; to the Committee on Science.

By Mr. CUNNINGHAM:

H.R. 3187. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California, and for other purposes; to the Committee on Resources.

By Mr. LUCAS of Oklahoma (for himself, Mr. GOODLATTE, Mr. STENHOLM, and Mr. HOLDEN):

H.R. 3188. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to provide for the enhanced review of covered pesticide products, to authorize fees for certain pesticide products, and to extend and improve the collection of maintenance fees; to the Committee on Agriculture.

By Mr. PALLONE:

H.R. 3189. A bill to amend title XVIII of the Social Security Act and the Employee Retirement Income Security Act of 1974 to improve access to health insurance and Medicare benefits for individuals ages 55 to 65 to be fully funded through premiums and anti-fraud provisions, to amend title XIX of the Social Security Act to provide financial assistance for those individuals who are too poor to afford the premiums, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING:

H.R. 3190. A bill to safeguard our religious liberties; to the Committee on the Judiciary.

By Mr. RYUN of Kansas (for himself, Mr. PITTS, Mr. BARTLETT of Maryland, Mr. DOOLITTLE, Mr. FRANKS of Arizona, Mr. GOODE, Mr. TIAHRT, Mr. CHABOT, Mr. HYDE, Mr. HEFLEY, Mr. RYAN of Wisconsin, Mr. FEENEY, and Mr. HENSARLING):

H.R. 3191. A bill to prescribe the oath of renunciation and allegiance for purposes of the Immigration and Nationality Act; to the Committee on the Judiciary.

By Mr. SNYDER (for himself, Mr. ALLEN, Mr. HINCHEY, Mr. SERRANO, Mr. ROSS, Mr. MCDERMOTT, and Mr. EMANUEL):

H.R. 3192. A bill to amend titles XIX and XXI of the Social Security Act to permit States to cover low-income youth up to age 23 with an enhanced matching rate; to the Committee on Energy and Commerce.

By Mr. SOUDER (for himself, Mr. ROSS, Mr. DEMINT, Mr. BURTON of Indiana, Mr. STENHOLM, Mr. SAM JOHNSON of Texas, Mr. GOODE, Mr. HOLDEN, Mr. SESSIONS, Mr. BERRY, Mr. JOHNSON of Illinois, Mr. BISHOP of Georgia, Mr. CANNON, Mr. CRAMER, Mr. WILSON of South Carolina, Mr. JOHN, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, Mr. REYES, Mr. LEWIS of Kentucky, Mr. PUTNAM, Mr. MATHESSON, Mr. PAUL, Mr. HALL, Mr. MICHAUD, Mr. ORTIZ, Mrs. BLACKBURN, Mr. MICA, Mr. DEAL of Georgia, Mr. ISTOOK, Mr. NEY, Mr. GOODLATTE, Mr. SCHROCK, Mr. PORTER, Mr. HENSARLING, Mr. CARTER,



Mr. SANDLIN, Mr. BRADY of Texas, Mr. BURGESS, Mr. REHBERG, Mr. SMITH of Texas, Mr. NEUGEBAUER, Mr. VITTER, Mr. EVERETT, Mr. SULLIVAN, Mrs. MILLER of Michigan, Mr. PETERSON of Minnesota, Mr. CARSON of Oklahoma, Mr. ALEXANDER, Mr. TURNER of Texas, Mr. DAVIS of Tennessee, Mr. OTTER, Mr. GREEN of Texas, Mr. BARTON of Texas, Mr. GINGREY, Mrs. CUBIN, Mr. BACHUS, Mr. DUNCAN, Mr. JANKLOW, Mr. BOUCHER, Mr. MARSHALL, Mr. RYAN of Ohio, and Mr. TOOMEY):

H.R. 3193. A bill to restore second amendment rights in the District of Columbia; to the Committee on Government Reform.

By Mr. WELDON of Pennsylvania (for himself and Ms. DEGETTE):

H.R. 3194. A bill to amend title XVIII of the Social Security Act to improve access to diabetes self-management training by designating certified diabetes educators recognized by the National Certification Board of Diabetes Educators as certified providers for purposes of outpatient diabetes education services under part B of the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H. Con. Res. 289. Concurrent resolution urging the Secretary of Homeland Security to use the Interior Repatriation Program for apprehended aliens who repeatedly enter the United States illegally, urging the President of the United States to request more funds for such program for fiscal year 2005, and for other purposes; to the Committee on the Judiciary.

By Mr. BELL (for himself, Mr. CULBERSON, Mr. BARTON of Texas, Mr. BONILLA, Mr. BRADY of Texas, Mr. BURGESS, Mr. CARTER, Mr. DOGGETT, Mr. EDWARDS, Mr. FROST, Mr. GONZALEZ, Ms. GRANGER, Mr. GREEN of Texas, Mr. HALL, Mr. HENSARLING, Mr. HINOJOSA, Ms. JACKSON-LEE of Texas, Mr. SAM JOHNSON of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. LAMPSON, Mr. ORTIZ, Mr. PAUL, Mr. REYES, Mr. RODRIGUEZ, Mr. SANDLIN, Mr. SESSIONS, Mr. STENHOLM, Mr. THORNBERRY, and Mr. TURNER of Texas):

H. Res. 379. A resolution honoring the Rice University Owls baseball team for winning the NCAA baseball championship; to the Committee on Education and the Workforce.

By Ms. CORRINE BROWN of Florida (for herself, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. BILIRAKIS, Mr. LINCOLN DIAZ-BALART of Florida, and Mr. KELLER):

H. Res. 380. A resolution honoring Ericka Dunlap, Miss America 2004; to the Committee on Government Reform.

## MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

203. The SPEAKER presented a memorial of the Legislature of the State of Maine, relative to H.P. 1215 Joint Resolution memorializing the Congress of the United States not to change what is currently a very successful program, to keep the Head Start funding system as it is and to make sure that all the children in America who need this program have the opportunity to be part of Head Start; to the Committee on Education and the Workforce.

204. Also, a memorial of the House of Representatives of the State of Massachusetts, relative to a Resolution memorializing the United States Congress to repeal the Government Pension Offset Rule of Title II of the Social Security Act; to the Committee on Ways and Means.

## ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 31: Mrs. JO ANN DAVIS of Virginia.  
 H.R. 54: Ms. HARRIS.  
 H.R. 173: Mr. PUTNAM and Mr. EMANUEL.  
 H.R. 198: Mr. NORWOOD.  
 H.R. 284: Mr. MORAN of Kansas.  
 H.R. 331: Mr. ETHERIDGE.  
 H.R. 339: Mr. BRADY of Pennsylvania, Mr. PEARCE, Mr. NETHERCUTT, Mr. TANCREDO, and Ms. ROS-LEHTINEN.  
 H.R. 348: Ms. LINDA T. SANCHEZ of California.  
 H.R. 358: Mr. GREEN of Wisconsin.  
 H.R. 548: Mr. ACKERMAN and Mr. ETHERIDGE.  
 H.R. 571: Mr. SULLIVAN, Mrs. MALONEY, and Mr. PEARCE.  
 H.R. 713: Mr. TIAHRT.  
 H.R. 728: Mr. KELLER and Mr. GALLEGLY.  
 H.R. 775: Mr. JENKINS.  
 H.R. 792: Mr. BARRETT of South Carolina.  
 H.R. 806: Mr. SKELTON.  
 H.R. 819: Mr. WAXMAN.  
 H.R. 850: Mr. SULLIVAN.  
 H.R. 857: Mr. DEFAZIO and Ms. ESHOO.  
 H.R. 870: Mr. KINGSTON and Mr. JONES of North Carolina.  
 H.R. 876: Mr. ROGERS of Alabama.  
 H.R. 879: Mr. GREEN of Wisconsin.  
 H.R. 919: Mr. HOUGHTON and Mr. BALLENGER.  
 H.R. 962: Mr. DEUTSCH and Mr. MCDERMOTT.  
 H.R. 997: Mr. QUINN.  
 H.R. 1205: Mr. GRIJALVA.  
 H.R. 1250: Mr. MOORE.  
 H.R. 1302: Mr. SAM JOHNSON of Texas.  
 H.R. 1310: Mr. ROSS and Mrs. BLACKBURN.  
 H.R. 1336: Ms. BERKLEY, Mr. PAUL, Mr. ROGERS of Michigan, Mr. MILLER of Florida, Mr. ROSS, and Mrs. BLACKBURN.  
 H.R. 1345: Mr. TOWNS, Mr. MEEHAN, and Mr. ETHERIDGE.  
 H.R. 1372: Mr. PEARCE, Mrs. MUSGRAVE, Mr. BAIRD, and Mr. DICKS.  
 H.R. 1508: Mr. HOLDEN.  
 H.R. 1513: Mr. RYAN of Wisconsin.  
 H.R. 1523: Mr. GOODE, Mr. ISAKSON, Mr. CAMP, Mr. LEWIS of Georgia, Mr. HYDE, Mr. QUINN, and Mr. ROSS.  
 H.R. 1532: Ms. LINDA T. SANCHEZ of California, Mr. HINCHEY, Mr. BERMAN, and Mr. DEFAZIO.  
 H.R. 1582: Mr. GIBBONS.  
 H.R. 1660: Mr. PAUL.  
 H.R. 1689: Ms. BALDWIN.  
 H.R. 1731: Mr. ROSS.  
 H.R. 1734: Mr. MURTHA.  
 H.R. 1735: Ms. LINDA T. SANCHEZ of California, and Mr. GREEN of Texas.  
 H.R. 1749: Ms. LOFGREN and Ms. CORRINE BROWN of Florida.  
 H.R. 1796: Ms. KILPATRICK, Mr. EMANUEL, Mr. WU, and Mr. DAVIS of Illinois.  
 H.R. 1829: Mr. FOLEY, Mr. TAYLOR of North Carolina, Mr. KIRK, and Ms. KILPATRICK.  
 H.R. 1958: Mr. MORAN of Virginia.  
 H.R. 2034: Mr. OTTER and Mr. SOUDER.  
 H.R. 2047: Mr. DAVIS of Florida.  
 H.R. 2094: Mrs. MALONEY and Mr. GARRETT of New Jersey.  
 H.R. 2181: Mr. SMITH of Michigan.  
 H.R. 2203: Mr. GUTIERREZ.  
 H.R. 2264: Mr. GALLEGLY.

H.R. 2269: Mr. TOOMEY and Mrs. MYRICK.  
 H.R. 2318: Mr. DOGGETT.  
 H.R. 2347: Ms. HART and Mr. SMITH of New Jersey.  
 H.R. 2352: Mr. GUTIERREZ.  
 H.R. 2379: Mr. HOEKSTRA.  
 H.R. 2385: Mr. CANNON.  
 H.R. 2389: Mr. EMANUEL.  
 H.R. 2391: Mr. KIND.  
 H.R. 2394: Mr. GRIJALVA and Mr. PAYNE.  
 H.R. 2402: Ms. BALDWIN.  
 H.R. 2511: Mr. HALL.  
 H.R. 2515: Mr. POMEROY and Mr. RUPPERSBERGER.  
 H.R. 2569: Mr. MATSUI.  
 H.R. 2628: Mr. CARSON of Oklahoma.  
 H.R. 2662: Mr. PORTER.  
 H.R. 2671: Mr. TAUZIN and Mr. HOEKSTRA.  
 H.R. 2702: Mr. EMANUEL.  
 H.R. 2706: Mr. SESSIONS.  
 H.R. 2719: Mr. BALLANCE.  
 H.R. 2732: Mr. LAHOOD, Mr. JANKLOW, and Mr. ISTOOK.  
 H.R. 2743: Mr. CASE.  
 H.R. 2768: Mr. SANDERS, Mr. LARSEN of Washington, Mr. BARRETT of South Carolina, and Mr. CLYBURN.  
 H.R. 2770: Mr. FALEOMAVAEGA.  
 H.R. 2813: Mr. GARRETT of New Jersey.  
 H.R. 2850: Mr. GRIJALVA.  
 H.R. 2885: Mr. JANKLOW.  
 H.R. 2900: Mr. STENHOLM, Mr. THOMPSON of California, and Mr. MOORE.  
 H.R. 2905: Ms. MCCOLLUM.  
 H.R. 2934: Mr. RYUN of Kansas and Mr. CHABOT.  
 H.R. 2947: Mr. EMANUEL and Mr. SNYDER.  
 H.R. 2948: Mr. HONDA.  
 H.R. 2959: Mr. GOODE and Ms. DEGETTE.  
 H.R. 2971: Mr. SERRANO.  
 H.R. 2998: Mr. LANGEVIN, Mr. TAYLOR of Mississippi, Mr. JOHNSON of Illinois, Ms. BERKLEY, and Mr. HAYWORTH.  
 H.R. 3002: Mr. SOUDER and Mr. GOODE.  
 H.R. 3015: Mr. SOUDER and Mr. EMANUEL.  
 H.R. 3027: Mr. FARR and Mr. SANDERS.  
 H.R. 3052: Mr. JONES of North Carolina.  
 H.R. 3069: Mr. JANKLOW and Mr. KING of Iowa.  
 H.R. 3079: Mr. KELLER, Mr. CAMP, and Mr. TIBERI.  
 H.R. 3094: Mr. BAKER and Mr. DEAL of Georgia.  
 H.R. 3119: Mr. NEY, Mr. BURGESS, Ms. PRYCE of Ohio, Mr. BAIRD, and Mr. PETRI.  
 H.R. 3122: Ms. SLAUGHTER.  
 H.R. 3130: Mr. WELDON of Florida and Mr. HOEKSTRA.  
 H.R. 3137: Mr. DEUTSCH and Ms. ROS-LEHTINEN.  
 H.R. 3139: Mr. HASTINGS of Florida, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. GEORGE MILLER of California, and Mr. STARK.  
 H.R. 3149: Mr. SOUDER.  
 H.R. 3153: Mr. BROWN of Ohio, Mr. CASE, Mr. SERRANO, Ms. MCCOLLUM, and Mr. FARR.  
 H.R. 3161: Mr. BRADLEY of New Hampshire, Mr. BACHUS, Mr. WALDEN of Oregon, Mr. MICHAUD, Mr. KIRK, Mr. FRELINGHUYSEN, Mrs. CUBIN, Mr. FOSSELLA, Mr. BURR, Mr. PICKERING, Mr. BASS, Mr. SHERMAN, Mrs. BONO, Mr. SHIMKUS, Ms. SCHAKOWSKY, Mr. GREEN of Texas, Mr. PALLONE, Mr. STUPAK, Mr. HALL, Ms. SOLIS, Mr. SHIFF, Ms. ESHOO, Mr. DOYLE, Mr. WAXMAN, Ms. DEGETTE, Mr. DEUTSCH, Mr. RUSH, Mr. TOWNS, Mr. WYNN, Mr. JOHN, Mr. DAVIS of Florida, Mr. ALLEN, Mrs. CAPPS, Mr. GORDON, Mr. ENGEL, and Mr. STEARNS.  
 H. Con. Res. 218: Mr. ANDREWS, Ms. ROS-LEHTINEN, Ms. JACKSON-LEE of Texas, and Mrs. JONES of Ohio.  
 H. Con. Res. 266: Mr. GREEN of Wisconsin, and Ms. LINDA T. SANCHEZ of California.  
 H. Con. Res. 275: Mr. SPRATT.  
 H. Con. Res. 285: Mr. ENGLISH.  
 H. Res. 261: Mr. SOUDER and Mr. CAPUANO.  
 H. Res. 300: Mr. RAMSTAD, Mr. SESSIONS, Mr. MOORE, Mr. BLUNT, Mr. KING of Iowa,

Mrs. MUSGRAVE, Mr. SULLIVAN, and Mr. HENSARLING.

H. Res. 356: Mr. ENGEL, Mr. BEREUTER, Mr. MCCOTTER, Mr. GALLEGLY, Mr. HOEFFEL, and Mr. BELL.

H. Res. 372: Mr. TOWNS, Mr. MCGOVERN, Mr. HASTINGS of Florida, Mr. KILDEE, Mr. McDERMOTT, Mr. EMANUEL, Mr. GRIJALVA, Ms. LEE, Mr. HOEFFEL, Mr. ABERCROMBIE, Ms. HARRIS, Mr. UDALL of New Mexico, Mr. REYES, Mr. MCCOTTER, Ms. MCCOLLUM, Mr. SNYDER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BURTON of Indiana, Mr. PAYNE, Mr. SHERMAN, Mr. CROWLEY, Mr. BERMAN, Mr. ACKERMAN, Ms. BERKLEY, Mr. MENENDEZ, Mrs. JO ANN DAVIS, of Virginia, Mr. GALLEGLY, Mr. FROST, Mr. FALEOMAVAEGA, and Mr. KING of New York.

H. Res. 373: Mr. MEEHAN, Ms. LEE, Ms. NORTON, Mrs. TAUSCHER, Mr. HINCHEY, Mr. TOWNS, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, and Mrs. CAPPS.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1078: Mr. KLINE and Mr. PITTS.

## PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

39. The SPEAKER presented a petition of Florida League of Cities, Inc., relative to a resolution in support of including heightened accountability and performance measurements for State Departments of Transportation and Metropolitan Planning Organizations in the Reauthorization of the Transportation Equity Act for the 21st Century; to

the Committee on Transportation and Infrastructure.

40. Also, a petition of Florida League of Cities, Inc., relative to a resolution supporting the Reauthorization of a Successor Program to the Transportation Equity Act for the 21st Century, and supporting the elimination of funding inequities that exist for the receipt of funds by the State of Florida; to the Committee on Transportation and Infrastructure.

## DISCHARGE PETITIONS— ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 2, by Mr. JIM MARSHALL on House Resolution 251: Walter B. Jones.